

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

|                |   |                                       |
|----------------|---|---------------------------------------|
| In Re SRBA     | ) | SPECIAL MASTER'S REPORT AND           |
|                | ) | RECOMMENDATION; FINDINGS OF           |
| Case No. 39576 | ) | FACT AND CONCLUSIONS OF LAW           |
|                | ) |                                       |
|                | ) | WATER RIGHT NOS.: EXHIBIT A           |
|                | ) | (Basin 37 (234) STIP RESLV2 File 194) |

**I. FINDINGS OF FACT**

Claims were filed for the above listed water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

*Objections* were filed by the State of Idaho and Pickett Ranch & Sheep Co., Joe Tugaw, Jared Bedke, Bruce Bedke, Joyce Livestock Company, Jerry Hoagland, Scott Bedke, Karl Bedke, Michael Poulton, Gary Poulton and Western Stockgrowers Association. A *Response* was filed by Flying Triangle, Inc.

A *Notice of Withdrawal of Objections* was filed by Bruce Bedke, Jared Bedke, Joyce Livestock and Jerry Hoagland. The State of Idaho filed a *Stipulation to resolve the State of Idaho's Objection*. The remaining *Objections* and *Response* were resolved on March 19, 2003 with the filing of a *Stipulation to Resolve Objections and Responses*. All parties to the subcase and IDWR are signatories to the *Stipulation to Resolve Objections and Responses*. There are no unresolved objections or responses remaining in these subcases.

**II. CONCLUSIONS OF LAW**

Based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: June 11, 2003

  
BRIGETTE BILYEU, Special Master  
Snake River Basin Adjudication

## EXHIBIT A

STIPRESLV2 FILE 194

## Subcase Nos:

|          |          |          |          |
|----------|----------|----------|----------|
| 37-18302 | 37-18629 | 37-18909 | 37-19597 |
| 37-18303 | 37-18630 | 37-18911 | 37-19600 |
| 37-18334 | 37-18631 | 37-18912 | 37-19616 |
| 37-18355 | 37-18656 | 37-18946 | 37-19629 |
| 37-18357 | 37-18658 | 37-18962 | 37-19639 |
| 37-18358 | 37-18698 | 37-18967 | 37-19640 |
| 37-18359 | 37-18702 | 37-18968 | 37-19644 |
| 37-18360 | 37-18711 | 37-18969 | 37-19645 |
| 37-18460 | 37-18712 | 37-18974 | 37-19646 |
| 37-18461 | 37-18713 | 37-19090 | 37-19649 |
| 37-18462 | 37-18716 | 37-19107 | 37-19650 |
| 37-18463 | 37-18718 | 37-19164 | 37-19651 |
| 37-18464 | 37-18719 | 37-19167 | 37-19652 |
| 37-18480 | 37-18721 | 37-19185 | 37-19670 |
| 37-18485 | 37-18734 | 37-19205 | 37-20252 |
| 37-18486 | 37-18743 | 37-19208 | 37-20261 |
| 37-18487 | 37-18744 | 37-19209 |          |
| 37-18488 | 37-18745 | 37-19210 |          |
| 37-18489 | 37-18746 | 37-19215 |          |
| 37-18490 | 37-18747 | 37-19325 |          |
| 37-18491 | 37-18763 | 37-19401 |          |
| 37-18492 | 37-18765 | 37-19416 |          |
| 37-18512 | 37-18766 | 37-19417 |          |
| 37-18513 | 37-18786 | 37-19445 |          |
| 37-18516 | 37-18787 | 37-19452 |          |
| 37-18518 | 37-18789 | 37-19458 |          |
| 37-18522 | 37-18790 | 37-19460 |          |
| 37-18525 | 37-18806 | 37-19461 |          |
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| 37-18532 | 37-18818 | 37-19489 |          |
| 37-18533 | 37-18822 | 37-19490 |          |
| 37-18534 | 37-18835 | 37-19497 |          |
| 37-18535 | 37-18840 | 37-19498 |          |
| 37-18536 | 37-18847 | 37-19499 |          |
| 37-18543 | 37-18850 | 37-19515 |          |
| 37-18545 | 37-18859 | 37-19518 |          |
| 37-18547 | 37-18860 | 37-19519 |          |
| 37-18551 | 37-18868 | 37-19520 |          |
| 37-18552 | 37-18873 | 37-19524 |          |
| 37-18553 | 37-18875 | 37-19525 |          |
| 37-18563 | 37-18882 | 37-19531 |          |
| 37-18565 | 37-18883 | 37-19532 |          |
| 37-18579 | 37-18884 | 37-19533 |          |
| 37-18580 | 37-18885 | 37-19534 |          |
| 37-18588 | 37-18886 | 37-19535 |          |
| 37-18594 | 37-18888 | 37-19536 |          |
| 37-18595 | 37-18889 | 37-19538 |          |
| 37-18609 | 37-18890 | 37-19539 |          |
| 37-18613 | 37-18900 | 37-19540 |          |
| 37-18614 | 37-18901 | 37-19547 |          |

(Subcase list: B37F194STP)

6/06/03

2003 JUN 11 PM 1:36

DISTRICT COURT OF SRBA  
TWIN FALLS CO., IDAHO  
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 37-18302  
(SEE ATTACHED EXHIBIT A)

On June 11, 2003, Special Master BRIGETTE BILYEU  
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)  
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party  
to the adjudication including parties to the subcase, may file a Motion  
to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate  
in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION  
shall constitute a waiver of the right to challenge it before the  
Presiding Judge.

DATED June 11, 2003.

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk

Exhibit A

Subcase Nos:

|          |          |          |          |
|----------|----------|----------|----------|
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| 37-18358 | 37-18698 | 37-18967 | 37-19640 |
| 37-18359 | 37-18702 | 37-18968 | 37-19644 |
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2003 JUN 11 PM 1:36

DISTRICT COURT  
TWIN FALLS CO., IDAHO  
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )

CERTIFICATE OF MAILING

Case No. 39576 )

Water Right(s): 37-18302

(SEE ATTACHED EXHIBIT A)

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 11, 2003, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

STATE OF IDAHO  
Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

CERTIFICATE OF MAILING

PAGE 1  
06/11/03

FLYING TRIANGLE INC  
GARY POULTON  
JOE TUGAW  
KARL U (BUD) BEDKE  
MICHAEL POULTON  
PICKETT RANCH & SHEEP CO  
SCOTT BEDKE  
WESTERN STOCKGROWERS ASSN

Represented by:  
NORMAN M. SEMANKO  
ATTORNEY AT LAW  
205 N 10TH ST, STE 530  
BOISE, ID 83702  
Phone: 208-344-6690

USDI BLM  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 37-18588

NAME AND ADDRESS: USDI BLM  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

SOURCE: UNNAMED STREAM TRIBUTARY: EAST BLACK CANYON CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T03S R15E S33 SWSWNE (Instream Beginning Point) Within Gooding County  
SWSWNE (Instream Ending Point)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Gooding County  
T03S R15E S33 SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

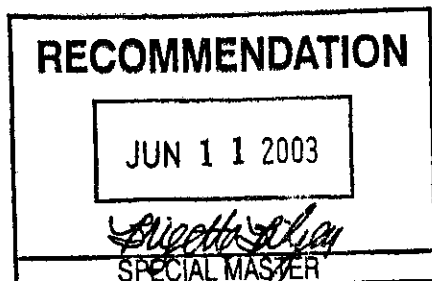
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS  
ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND  
JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON  
AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND THE  
WESTERN STOCKGROWERS ASSOCIATION, ET AL.; THE PROVISION OF SUCH  
STIPULATION TO APPLY FULLY TO THIS WATER RIGHT.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance  
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a  
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



\_\_\_\_\_  
Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication