2003 JUL 16 PM 2:40
DISTRICT COURT-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	)	**Subcases 85-11950, *et al.***
	)	**(see list of 212 subcases attached)**
Case No. 39576	)	**(USDI/BLM)**
	)	
	)	**SPECIAL MASTER REPORT**

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 22 (IDWR Basin 85)* on March 19, 1999. The Director recommended the above 212 claims to the United States of America, Department of Interior, Bureau of Land Management ("USDI/BLM"), 1387 S. Vinnell Way, Boise, Idaho, 83709-1657, for a *de minimis* amount (.02 cfs) from various rivers, streams, creeks and a gulch for year-'round stockwater use in Clearwater, Idaho, Lewis and Nez Perce Counties with priority dates of either January 1, 1868, or November 18, 1895, based on beneficial use.

The State of Idaho filed *Objections* on June 2, 1999, objecting to priority date and alleging the water rights should not exist. On September 17, 1999, the Western Stockgrowers Association, Joyce Livestock Company, Jerry Hoagland, Pickett Ranch & Sheep Company, Michael and Gary Poulton, Bruce, Jared, Karl and Scott Bedke and Joe Tugaw ("private parties") filed *Objections* alleging the water rights should not exist.

On August 29, 2002, the United States and the private parties filed a *Stipulation and Joint Motion for Order Approving Stipulation* in multiple related subcases, including the above 212 subcases. As part of the *Stipulation*, the private parties agreed to dismiss their objections and responses and "for claims on lands administered by the Bureau of Land Management, the United States shall receive a water right with a priority date which is the later of a) the claimed priority date or b) June 28, 1934."

On September 5, 2002, the Special Master entered an ***Order Granting Withdrawal of Objections and Responses*** in the related subcases objected to by the private parties. On April 21 and June 11, 2003, the Special Master entered ***Orders Dismissing State of Idaho Objections*** based on a *Stipulation to Resolve Objections* filed by the United States and the State. Finally, on June 10, 2003, the USDI/BLM filed a *Notice Regarding Priority Date* stating the priority date for all of the above subcases should be June 28, 1934.

Conclusions of Law

The USDI/BLM is entitled to partial decrees adjudicating water rights as agreed to in the *Stipulation* and as described in the attached ***Special Master Recommendations for Partial Decrees***.

DATED July 16, 2003.

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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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)	CERTIFICATE OF MAILING
)	
Case No. 39576)	
)	Water Right(s): 85-11950
	(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 July 16, 2003, with sufficient first-class postage prepaid to the following:

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

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

Robbin Hall
ROBBIN HALL
Deputy Clerk

Exhibit A

Subcase Nos:

85-11950	85-12008	85-12071	85-12156	85-15249
85-11951	85-12009	85-12072	85-12157	85-15250
85-11952	85-12012	85-12074	85-12158	85-15251
85-11953	85-12013	85-12075	85-12160	85-15252
85-11954	85-12014	85-12076	85-12161	85-15254
85-11955	85-12015	85-12077	85-12162	85-15255
85-11956	85-12016	85-12078	85-12164	85-15256
85-11957	85-12017	85-12086	85-12165	85-15258
85-11958	85-12018	85-12089	85-12167	85-15260
85-11959	85-12020	85-12091	85-12168	85-15261
85-11960	85-12021	85-12094	85-12169	85-15265
85-11962	85-12022	85-12096	85-12170	85-15266
85-11963	85-12023	85-12097	85-12171	
85-11964	85-12024	85-12101	85-12175	
85-11966	85-12025	85-12103	85-12176	
85-11967	85-12026	85-12104	85-12177	
85-11968	85-12027	85-12105	85-12180	
85-11969	85-12028	85-12106	85-12181	
85-11970	85-12029	85-12109	85-12182	
85-11971	85-12030	85-12110	85-15209	
85-11972	85-12031	85-12111	85-15210	
85-11973	85-12032	85-12112	85-15212	
85-11974	85-12033	85-12113	85-15214	
85-11976	85-12034	85-12115	85-15215	
85-11977	85-12035	85-12117	85-15216	
85-11978	85-12036	85-12118	85-15218	
85-11979	85-12037	85-12119	85-15220	
85-11980	85-12038	85-12120	85-15221	
85-11983	85-12040	85-12126	85-15222	
85-11984	85-12041	85-12127	85-15223	
85-11985	85-12042	85-12128	85-15224	
85-11986	85-12043	85-12129	85-15225	
85-11987	85-12045	85-12130	85-15226	
85-11988	85-12046	85-12131	85-15227	
85-11989	85-12047	85-12132	85-15228	
85-11990	85-12049	85-12133	85-15229	
85-11991	85-12050	85-12134	85-15230	
85-11993	85-12051	85-12135	85-15231	
85-11994	85-12055	85-12137	85-15232	
85-11995	85-12056	85-12138	85-15233	
85-11996	85-12057	85-12141	85-15235	
85-11997	85-12058	85-12145	85-15236	
85-11999	85-12059	85-12147	85-15237	
85-12000	85-12060	85-12148	85-15238	
85-12001	85-12064	85-12149	85-15239	
85-12002	85-12065	85-12150	85-15240	
85-12003	85-12066	85-12152	85-15245	
85-12004	85-12068	85-12153	85-15246	
85-12006	85-12069	85-12154	85-15247	
85-12007	85-12070	85-12155	85-15248	

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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 Case No. 39576	NOTICE OF ISSUANCE OF SPECIAL MASTER'S RECOMMENDATION Water Right(s): 85-11950 (SEE ATTACHED EXHIBIT A)

On July 16, 2003, Special Master TERRENCE A. DOLAN 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 July 16, 2003.

Robbin Hall
ROBBIN HALL
Deputy Clerk

Exhibit A

Subcase Nos:

85-11950	85-12008	85-12071	85-12156	85-15249
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85-11968	85-12027	85-12105	85-12180	
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85-12006	85-12069	85-12154	85-15247	
85-12007	85-12070	85-12155	85-15248	

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
JUL 16 2003
By _____ Clerk
_____ Deputy Clerk

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
_____	)	Water Right 85-15233

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

SOURCE: UNNAMED STREAM TRIBUTARY: CAPTAIN JOHN CREEK, SOUTH FORK

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:

T32N R04W S17	NWNWNW	(Instream Ending Point)	Within Nez Perce County
S18	SWSENE	(Instream Beginning Point)	

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Nez Perce County

T32N R04W S17	NWNW	
S18	NENE	SENE

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.

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.

RECOMMENDATION
JUL 16 2003
SPECIAL MASTER

_____
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication