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Department of Water Resources

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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

Case No. 39576

) Subcases 47-14994, *et al.*
) (split claims 47-17065 & 47-17066, *et al.*,
) see list attached)
) (USDA/FS & Pickett Ranch & Sheep Co.)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 12 (IDWR Basin 47)* on August 14, 1998. The Director recommended the above 11 original claims to the United States of America, Department of Agriculture, Forest Service ("USDA/FS"), 550 W. Fort Street MSC 033, Boise, Idaho, 83724, as filed for *de minimis* amounts from various forks, creeks, springs and canyons for stockwater use, all with a priority date of May 1, 1875, based on beneficial use.

On June 23, 1999, the Pickett Ranch & Sheep Company, 1650 South, 568 West, Oakley, Idaho, 83346, filed a *Motion to File Late Objections* in 34 subcases, including the above 11 original claims, objecting to name and address and alleging the water right should not exist "in the name of the USA."

On August 29, 2002, the United States (USDA/FS and USDI/BLM) and certain "private parties," including the Pickett Ranch & Sheep Company, filed a *Stipulation and Joint Motion for Order Approving Stipulation* in multiple subcases, including the above 11 original claims. As part of the *Stipulation*, the parties agreed to dismiss their objections and responses and split the original claims between the USDA/FS and the Pickett Ranch & Sheep Company. The parties later filed a *Notice of Clarification* of the *Stipulation* on June 5, 2003.

On June 17, 2003, the parties, with IDWR's concurrence, filed *Amended Claim Standard Forms 5* for the 11 original claims agreeing to split each claim into 2 rights with the use of both limited to a total combined diversion rate of .02 cfs and a combined quantity of 13,000 gallons per day. The Pickett Ranch & Sheep Company rights would have a June 11, 1905 priority date and the USDA/FS rights would have a June 12, 1905 priority date. No one objected to the Director's amended recommendations.

Conclusions of Law

The USDA/FS and the Pickett Ranch & Sheep Company are entitled to partial decrees adjudicating water right as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 47-17065 & 47-17066, et al.*

Recommendation

THEREFORE, IT IS RECOMMENDED that the original claims (47-14994, *et al.*) **not** be decreed as water rights because each of the claims has been split.

DATED August 8, 2003.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

EXHIBIT A

Base Right	Forest Service	Pickett	
47-14994	47-17065	47-17066	
47-14997	47-17067	47-17068	
47-15031	47-17069	47-17070	
47-15033	47-17071	47-17072	
47-15038	47-17073	47-17074	
47-15146	47-17075	47-17076	
47-15205	47-17077	47-17078	
47-16664	47-17079	47-17080	
47-16665	47-17081	47-17082	
47-16666	47-17083	47-17084	
47-16721	47-17085	47-17086	

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 47-14994

(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 August 08, 2003, with sufficient first-class postage prepaid to the following:

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

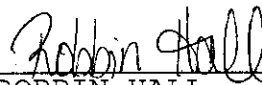
JOE TUGAW
PICKETT RANCH & SHEEP CO.
PICKETT RANCH & SHEEP COMPANY

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

UNITED STATES OF AMERICA
USDA FOREST SERVICE

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

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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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

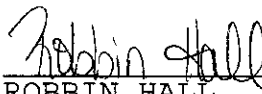
Water Right(s): 47-14994
(SEE ATTACHED EXHIBIT A)

On August 08, 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 August 08, 2003.



ROBBIN HALL
Deputy Clerk

Exhibit A

Subcase Nos:

47-14994
47-14997
47-15031
47-15033
47-15038
47-15146
47-15205
47-16664
47-16665
47-16666
47-16721
47-17065
47-17066
47-17067
47-17068
47-17069
47-17070
47-17071
47-17072
47-17073
47-17074
47-17075
47-17076
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47-17081
47-17082
47-17083
47-17084
47-17085
47-17086

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 47-17071

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDA FOREST SERVICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

SOURCE: ROCK CREEK, THIRD FORK TRIBUTARY: ROCK CREEK

QUANTITY: 0.02 CFS

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

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO. 47-17072
AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND
A TOTAL COMBINED QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/12/1905

POINT OF DIVERSION: T13S R19E S32 SWNE (Instream Ending Point) Within Cassia County
T15S R19E S10 NWNW (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-01 TO 08-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Cassia County
	T13S R19E S32	SWNE
		NESE
	S33	NWSW
	T14S R19E S04	SWNE
		NWNW
		NWSE
	S09	NWNE
		SESW
		SWSE
	S16	NENW
		SENW
		NWSW
	S17	NESE
	S20	NENE
		NENW
	S21	NWNW
		NWSW
	S28	NWNW
		NESW
		SESW
	S33	NWNE
		SENW
		SESW
	T15S R19E S04	NWNE
		NWSE
		SESE
	S09	NENE
	S10	NWNW

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.

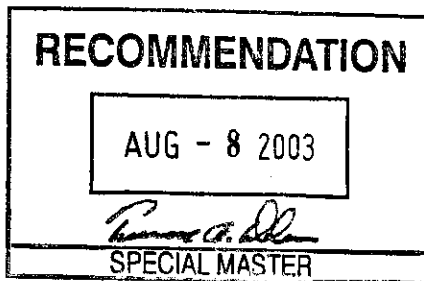
OTHER PROVISIONS (continued)

THE OPERATION, USE, AND ADMINISTRATION OF THE 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 PICKETT RANCH AND SHEEP COMPANY, FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 6, 2003 AS INSTRUMENT NO: 289179; THE PROVISIONS 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