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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:

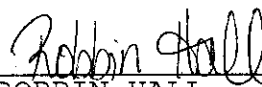
DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

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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08/08/03

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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.

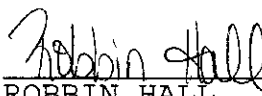
  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

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  
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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 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 47-17076

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DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: PICKETT RANCH & SHEEP CO.  
1650 S 568 W  
OAKLEY, ID 83346

SOURCE: HINTON SPRING TRIBUTARY: JACK DIAMOND 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. 47-17075  
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: 06/11/1905

POINT OF DIVERSION: T14S R18E S35 SENE Within Twin Falls County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 05-01 TO 10-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Twin Falls County  
T14S R18E S35 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.  
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 TWIN FALLS  
COUNTY RECORDER AND RECORDED ON APRIL 21, 2003 AS INSTRUMENT NO:  
2003-010014; 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.

RECOMMENDATION

AUG - 8 2003

*Roger C. Burdick*  
SPECIAL MASTER

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication