

RECEIVED

AUG 11 2003

Department of Water Resources

2003 AUG -8 PM 2:18

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 47-14945
) (split claims 47-17087, 47-17088 &
) 47-17089)
) (Pickett Ranch & Sheep Co. & USDA/FS)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

Findings of Fact

On July 10, 1989, the Pickett Ranch & Sheep Company, 1650 South, 568 West, Oakley, Idaho, 83346, filed a *Notice of Claim to a Water Right* under 47-14945 claiming .06 cfs from multiple creeks and springs in Cassia and Twin Falls Counties for stockwater use from June 1 to November 15 with a priority date of April 30, 1879, based on beneficial use. 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 claim as filed, but for .02 cfs.

On February 12, 1999, the United States of America, Department of Agriculture, Forest Service ("USDA/FS"), 550 W. Fort Street MSC 033, Boise, Idaho, 83724, filed an *Objection* objecting to source, points of diversion, instream flow description and places of use.

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 47-14945. As part of the *Stipulation*, the United States agreed to dismiss its objection and split 47-14945 between the Pickett Ranch & Sheep Company and the USDA/FS. The parties later filed a *Notice of Clarification of the Stipulation* on April 21, 2003.

On June 17, 2003, the Pickett Ranch & Sheep Company and the USDA/FS, with IDWR's concurrence, filed an *Amended Claim Standard Form 5* agreeing to split 47-14945 into 47-17087

(USDA/FS) and 47-17088 and 47-17089 (Pickett Ranch & Sheep Company) with the use of all three rights 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 priority dates of April 30, 1879 (47-17089) and June 11, 1905 (47-17088). The USDA/FS right (47-17087) would have a June 12, 1905 priority date. No one objected to the Director's amended recommendations.

Conclusions of Law

The Pickett Ranch & Sheep Company and the USDA/FS are entitled to partial decrees adjudicating water rights as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 47-17087, 47-17088 and 47-17089*.

Recommendation

THEREFORE, IT IS RECOMMENDED that 47-14945 **not** be decreed as a water right because the claim was split into 47-17087, 47-17088 and 47-17089.

DATED August 8, 2003.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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 47-17087

2003 AUG -8 PM 2:18

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 NOS. 47-17088
AND 47-17089 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: T15S R19E S10 SESWNW (Instream Beginning Point) Within Cassia County
NWNW (Instream Ending Point)

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Stockwater	06-01 TO 11-15	0.02 CFS

PLACE OF USE:	Stockwater	Within Cassia County
	T15S R19E S10	NWNW SWNW

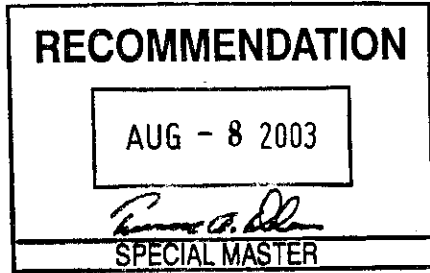
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 PICKETT
RANCH AND SHEEP COMPANY, FILED IN THE OFFICE OF THE CASSIA COUNTY
RECORDED 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

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 47-17088

2003 AUG -8 PM 2:18

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

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 NOS. 47-17087
AND 47-17089 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: T15S R19E S10 SESWNW (Instream Beginning Point) Within Cassia County
NWNW (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-01 TO 11-15	0.02 CFS

PLACE OF USE:	Stockwater	Within Cassia County
	T15S R19E S10	NWNW SWNW

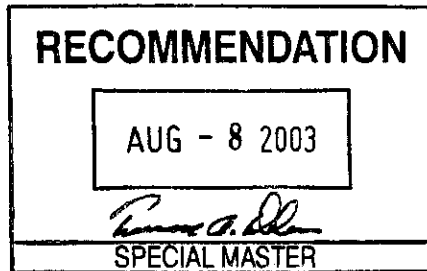
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 PICKETT
RANCH AND SHEEP COMPANY, FILED IN THE OFFICE OF THE CASSIA COUNTY
RECORDED 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

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 47-17089

2003 AUG -8 PM 2:18

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: JACK CREEK TRIBUTARY: COTTONWOOD 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 NOS. 47-17087
AND 47-17088 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: 04/30/1879

POINT OF DIVERSION: T15S R18E S02 NESW (Instream Ending Point) Within Twin Falls County
NWSE (Instream Beginning Point) Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-01 TO 11-15	0.02 CFS

PLACE OF USE: Stockwater Within Twin Falls County
T15S R18E S02 NESW NWSE

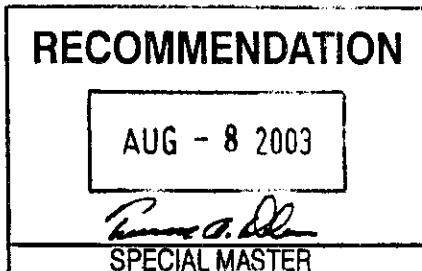
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



2003 AUG -8 PM 2:18

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 47-14945
47-17087 47-17088 47-17089

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:

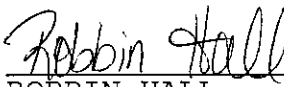
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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

PAGE 1
08/08/03

2003 AUG -8 PM 2:18

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

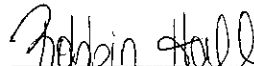
Water Right(s): 47-14945
47-17087 47-17088 47-17089

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