DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
2004 MAR 10 PM 2 48

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**
	FINDINGS OF FACT AND CONCLUSIONS OF LAW
Case No. 39576	**FOR WATER RIGHTS: (SEE ATTACHED EXHIBIT A)**

I. FINDINGS OF FACT

A notice of claim was 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 a recommendation or abstract for the elements of these water rights.

On September 17, 1999, an objection was filed to the above listed water rights by Pickett Ranch & Sheep Co, Western Stockgrowers Assoc., Joe Tugaw, Michael Poulton, Gary Poulton, Karl Bedke, Jared Bedke, Scott Bedke, Bruce Bedke, Jerry Hoagland and Joyce Livestock Company. The State of Idaho also filed an objection on June 2, 1999. On August 29, 2001, the parties filed a *Stipulation and Joint Motion for Order Approving Stipulation, Notice of Withdrawal of Objections and Responses* filed by Semanko for Bruce Bedke et al, *Notice of Withdrawal of Objections and Responses* filed by Semanko for Western Stockgrowers et al. On September 18, 2002, an ***Order Dismissing Objections and Responses with Prejudice; and Order Dismissing Parties*** was issued. On March 11, 2003, the State of Idaho filed a *Stipulation to Resolve Objections*. An ***Order Dismissing Objections and Dismissing the State of Idaho as a Party*** was issued on June 30, 2003. On May 15, 2003, the United States filed a *Notice Regarding Priority Date*. The Notice states the claims are in-stream livestock-watering state-law based beneficial-use water right claims.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Notice Regarding Priority Date*, IT IS RECOMMENDED that the water rights listed on Exhibit A, be **decreed** with the elements as set forth in the attached ***Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b).***

DATED March 10, 2004.

THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

EXHIBIT A MASTER REPORT

Subcase Nos:

79-10985	79-11065	79-11155	79-11247	79-11332	79-11441
79-10989	79-11067	79-11156	79-11248	79-11334	79-11442
79-10991	79-11070	79-11157	79-11249	79-11337	79-11444
79-10992	79-11072	79-11158	79-11250	79-11339	79-11445
79-10993	79-11073	79-11160	79-11256	79-11341	79-11447
79-10994	79-11074	79-11164	79-11257	79-11345	79-11448
79-10995	79-11075	79-11165	79-11259	79-11348	79-11449
79-10996	79-11076	79-11167	79-11260	79-11351	79-11450
79-10997	79-11077	79-11168	79-11261	79-11352	79-11452
79-11000	79-11078	79-11169	79-11262	79-11356	79-11455
79-11002	79-11079	79-11170	79-11263	79-11357	79-11456
79-11003	79-11080	79-11172	79-11265	79-11358	79-11458
79-11006	79-11081	79-11178	79-11266	79-11363	79-11459
79-11008	79-11082	79-11179	79-11267	79-11364	79-11466
79-11009	79-11083	79-11180	79-11269	79-11365	79-11467
79-11012	79-11086	79-11182	79-11270	79-11367	79-11468
79-11013	79-11087	79-11185	79-11272	79-11369	79-11469
79-11014	79-11089	79-11187	79-11273	79-11370	79-11471
79-11015	79-11090	79-11188	79-11274	79-11372	79-11473
79-11016	79-11091	79-11189	79-11275	79-11373	79-11475
79-11017	79-11092	79-11190	79-11276	79-11374	79-11476
79-11018	79-11093	79-11191	79-11278	79-11376	79-11477
79-11019	79-11094	79-11193	79-11279	79-11377	79-11480
79-11020	79-11096	79-11195	79-11280	79-11378	79-11481
79-11021	79-11098	79-11196	79-11282	79-11379	79-11482
79-11022	79-11100	79-11199	79-11284	79-11380	79-11483
79-11023	79-11101	79-11201	79-11285	79-11385	79-11485
79-11024	79-11104	79-11202	79-11286	79-11386	79-11487
79-11025	79-11105	79-11203	79-11287	79-11387	79-11488
79-11026	79-11106	79-11204	79-11288	79-11388	79-11489
79-11030	79-11107	79-11205	79-11295	79-11389	79-11490
79-11033	79-11108	79-11207	79-11304	79-11391	79-11491
79-11035	79-11109	79-11208	79-11307	79-11405	79-11492
79-11037	79-11111	79-11209	79-11310	79-11409	79-11493
79-11040	79-11115	79-11211	79-11311	79-11410	79-11494
79-11041	79-11120	79-11212	79-11313	79-11412	79-11497
79-11042	79-11122	79-11213	79-11314	79-11419	79-11501
79-11043	79-11125	79-11217	79-11315	79-11420	79-11502
79-11044	79-11135	79-11221	79-11316	79-11421	79-11503
79-11047	79-11138	79-11223	79-11317	79-11422	79-11504
79-11049	79-11139	79-11224	79-11318	79-11423	79-11506
79-11050	79-11140	79-11226	79-11319	79-11424	79-11507
79-11051	79-11143	79-11227	79-11320	79-11425	79-11508
79-11052	79-11144	79-11239	79-11321	79-11427	79-11509
79-11053	79-11148	79-11240	79-11322	79-11428	79-11510
79-11054	79-11150	79-11241	79-11323	79-11430	79-11511
79-11061	79-11151	79-11243	79-11325	79-11432	79-11516
79-11062	79-11152	79-11244	79-11326	79-11434	79-11517
79-11063	79-11153	79-11245	79-11327	79-11436	79-11518
79-11064	79-11154	79-11246	79-11331	79-11439	79-11523

(Subcase list: 79ST/SEM)
3/10/04

EXHIBIT A MASTER REPORT

Subcase Nos:

79-11524	79-11593
79-11527	79-11736
79-11529	79-11737
79-11531	79-11738
79-11532	79-11741
79-11533	79-11742
79-11534	79-11744
79-11535	79-11746
79-11536	79-11753
79-11537	79-11754
79-11538	79-11755
79-11540	79-11756
79-11541	79-11762
79-11544	79-11763
79-11545	79-11764
79-11548	79-11767
79-11550	79-11768
79-11552	79-11771
79-11554	79-11772
79-11555	79-11773
79-11556	79-11774
79-11557	79-11779
79-11558	79-11780
79-11560	79-11782
79-11562	79-13684
79-11563	79-13686
79-11564	79-13688
79-11565	79-13689
79-11566	79-13692
79-11569	79-13693
79-11571	79-13694
79-11572	79-13695
79-11573	
79-11574	
79-11575	
79-11576	
79-11577	
79-11578	
79-11579	
79-11580	
79-11581	
79-11582	
79-11584	
79-11585	
79-11586	
79-11587	
79-11589	
79-11590	
79-11591	
79-11592	

(Subcase list: 79ST/SEM)
3/10/04

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): 79-10985 (SEE ATTACHED EXHIBIT A)

On March 10, 2004, Special Master THOMAS R CUSHMAN 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 March 10, 2004.

DIANA R DELANEY
Deputy Clerk

EXHIBIT A MASTER REPORT

Subcase Nos:

79-10985
79-10989
79-10991
79-10992
79-10993
79-10994
79-10995
79-10996
79-10997
79-11000
79-11002
79-11003
79-11006
79-11008
79-11009
79-11012
79-11013
79-11014
79-11015
79-11016
79-11017
79-11018
79-11019
79-11020
79-11021
79-11022
79-11023
79-11024
79-11025
79-11026
79-11030
79-11033
79-11035
79-11037
79-11040
79-11041
79-11042
79-11043
79-11044
79-11047
79-11049
79-11050
79-11051
79-11052
79-11053
79-11054
79-11061
79-11062
79-11063
79-11064
79-11065
79-11067
79-11070
79-11072
79-11073
79-11074
79-11075
79-11076
79-11077
79-11078
79-11079
79-11080
79-11081
79-11082
79-11083
79-11086
79-11087
79-11089
79-11090
79-11091
79-11092
79-11093
79-11094
79-11096
79-11098
79-11100
79-11101
79-11104
79-11105
79-11106
79-11107
79-11108
79-11109
79-11111
79-11115
79-11120
79-11122
79-11125
79-11135
79-11138
79-11139
79-11140
79-11143
79-11144
79-11148
79-11150
79-11151
79-11152
79-11153
79-11154
79-11155
79-11156
79-11157
79-11158
79-11160
79-11164
79-11165
79-11167
79-11168
79-11169
79-11170
79-11172
79-11178
79-11179
79-11180
79-11182
79-11185
79-11187
79-11188
79-11189
79-11190
79-11191
79-11193
79-11195
79-11196
79-11199
79-11201
79-11202
79-11203
79-11204
79-11205
79-11207
79-11208
79-11209
79-11211
79-11212
79-11213
79-11217
79-11221
79-11223
79-11224
79-11226
79-11227
79-11239
79-11240
79-11241
79-11243
79-11244
79-11245
79-11246
79-11247
79-11248
79-11249
79-11250
79-11256
79-11257
79-11259
79-11260
79-11261
79-11262
79-11263
79-11265
79-11266
79-11267
79-11269
79-11270
79-11272
79-11273
79-11274
79-11275
79-11276
79-11278
79-11279
79-11280
79-11282
79-11284
79-11285
79-11286
79-11287
79-11288
79-11295
79-11304
79-11307
79-11310
79-11311
79-11313
79-11314
79-11315
79-11316
79-11317
79-11318
79-11319
79-11320
79-11321
79-11322
79-11323
79-11325
79-11326
79-11327
79-11331
79-11332
79-11334
79-11337
79-11339
79-11341
79-11345
79-11348
79-11351
79-11352
79-11356
79-11357
79-11358
79-11363
79-11364
79-11365
79-11367
79-11369
79-11370
79-11372
79-11373
79-11374
79-11376
79-11377
79-11378
79-11379
79-11380
79-11385
79-11386
79-11387
79-11388
79-11389
79-11391
79-11405
79-11409
79-11410
79-11412
79-11419
79-11420
79-11421
79-11422
79-11423
79-11424
79-11425
79-11427
79-11428
79-11430
79-11432
79-11434
79-11436
79-11439
79-11441
79-11442
79-11444
79-11445
79-11447
79-11448
79-11449
79-11450
79-11452
79-11455
79-11456
79-11458
79-11459
79-11466
79-11467
79-11468
79-11469
79-11471
79-11473
79-11475
79-11476
79-11477
79-11480
79-11481
79-11482
79-11483
79-11485
79-11487
79-11488
79-11489
79-11490
79-11491
79-11492
79-11493
79-11494
79-11497
79-11501
79-11502
79-11503
79-11504
79-11506
79-11507
79-11508
79-11509
79-11510
79-11511
79-11516
79-11517
79-11518
79-11523

(Subcase list: 79ST/SEM)
3/10/04

Exhibit A

Subcase Nos:

79-11524	79-11593
79-11527	79-11736
79-11529	79-11737
79-11531	79-11738
79-11532	79-11741
79-11533	79-11742
79-11534	79-11744
79-11535	79-11746
79-11536	79-11753
79-11537	79-11754
79-11538	79-11755
79-11540	79-11756
79-11541	79-11762
79-11544	79-11763
79-11545	79-11764
79-11548	79-11767
79-11550	79-11768
79-11552	79-11771
79-11554	79-11772
79-11555	79-11773
79-11556	79-11774
79-11557	79-11779
79-11558	79-11780
79-11560	79-11782
79-11562	79-13684
79-11563	79-13686
79-11564	79-13688
79-11565	79-13689
79-11566	79-13692
79-11569	79-13693
79-11571	79-13694
79-11572	79-13695
79-11573	
79-11574	
79-11575	
79-11576	
79-11577	
79-11578	
79-11579	
79-11580	
79-11581	
79-11582	
79-11584	
79-11585	
79-11586	
79-11587	
79-11589	
79-11590	
79-11591	
79-11592	

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)
)

CERTIFICATE OF MAILING

Water Right(s): 79-10985
(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 March 10, 2004, 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

DIANA R DELANEY
Deputy Clerk

EXHIBIT A MASTER REPORT

Subcase Nos:

79-10985	79-11065	79-11155	79-11247	79-11332	79-11441
79-10989	79-11067	79-11156	79-11248	79-11334	79-11442
79-10991	79-11070	79-11157	79-11249	79-11337	79-11444
79-10992	79-11072	79-11158	79-11250	79-11339	79-11445
79-10993	79-11073	79-11160	79-11256	79-11341	79-11447
79-10994	79-11074	79-11164	79-11257	79-11345	79-11448
79-10995	79-11075	79-11165	79-11259	79-11348	79-11449
79-10996	79-11076	79-11167	79-11260	79-11351	79-11450
79-10997	79-11077	79-11168	79-11261	79-11352	79-11452
79-11000	79-11078	79-11169	79-11262	79-11356	79-11455
79-11002	79-11079	79-11170	79-11263	79-11357	79-11456
79-11003	79-11080	79-11172	79-11265	79-11358	79-11458
79-11006	79-11081	79-11178	79-11266	79-11363	79-11459
79-11008	79-11082	79-11179	79-11267	79-11364	79-11466
79-11009	79-11083	79-11180	79-11269	79-11365	79-11467
79-11012	79-11086	79-11182	79-11270	79-11367	79-11468
79-11013	79-11087	79-11185	79-11272	79-11369	79-11469
79-11014	79-11089	79-11187	79-11273	79-11370	79-11471
79-11015	79-11090	79-11188	79-11274	79-11372	79-11473
79-11016	79-11091	79-11189	79-11275	79-11373	79-11475
79-11017	79-11092	79-11190	79-11276	79-11374	79-11476
79-11018	79-11093	79-11191	79-11278	79-11376	79-11477
79-11019	79-11094	79-11193	79-11279	79-11377	79-11480
79-11020	79-11096	79-11195	79-11280	79-11378	79-11481
79-11021	79-11098	79-11196	79-11282	79-11379	79-11482
79-11022	79-11100	79-11199	79-11284	79-11380	79-11483
79-11023	79-11101	79-11201	79-11285	79-11385	79-11485
79-11024	79-11104	79-11202	79-11286	79-11386	79-11487
79-11025	79-11105	79-11203	79-11287	79-11387	79-11488
79-11026	79-11106	79-11204	79-11288	79-11388	79-11489
79-11030	79-11107	79-11205	79-11295	79-11389	79-11490
79-11033	79-11108	79-11207	79-11304	79-11391	79-11491
79-11035	79-11109	79-11208	79-11307	79-11405	79-11492
79-11037	79-11111	79-11209	79-11310	79-11409	79-11493
79-11040	79-11115	79-11211	79-11311	79-11410	79-11494
79-11041	79-11120	79-11212	79-11313	79-11412	79-11497
79-11042	79-11122	79-11213	79-11314	79-11419	79-11501
79-11043	79-11125	79-11217	79-11315	79-11420	79-11502
79-11044	79-11135	79-11221	79-11316	79-11421	79-11503
79-11047	79-11138	79-11223	79-11317	79-11422	79-11504
79-11049	79-11139	79-11224	79-11318	79-11423	79-11506
79-11050	79-11140	79-11226	79-11319	79-11424	79-11507
79-11051	79-11143	79-11227	79-11320	79-11425	79-11508
79-11052	79-11144	79-11239	79-11321	79-11427	79-11509
79-11053	79-11148	79-11240	79-11322	79-11428	79-11510
79-11054	79-11150	79-11241	79-11323	79-11430	79-11511
79-11061	79-11151	79-11243	79-11325	79-11432	79-11516
79-11062	79-11152	79-11244	79-11326	79-11434	79-11517
79-11063	79-11153	79-11245	79-11327	79-11436	79-11518
79-11064	79-11154	79-11246	79-11331	79-11439	79-11523

(Subcase list: 79ST/SEM)
3/10/04

Exhibit A

Subcase Nos:

79-11524	79-11593
79-11527	79-11736
79-11529	79-11737
79-11531	79-11738
79-11532	79-11741
79-11533	79-11742
79-11534	79-11744
79-11535	79-11746
79-11536	79-11753
79-11537	79-11754
79-11538	79-11755
79-11540	79-11756
79-11541	79-11762
79-11544	79-11763
79-11545	79-11764
79-11548	79-11767
79-11550	79-11768
79-11552	79-11771
79-11554	79-11772
79-11555	79-11773
79-11556	79-11774
79-11557	79-11779
79-11558	79-11780
79-11560	79-11782
79-11562	79-13684
79-11563	79-13686
79-11564	79-13688
79-11565	79-13689
79-11566	79-13692
79-11569	79-13693
79-11571	79-13694
79-11572	79-13695
79-11573	
79-11574	
79-11575	
79-11576	
79-11577	
79-11578	
79-11579	
79-11580	
79-11581	
79-11582	
79-11584	
79-11585	
79-11586	
79-11587	
79-11589	
79-11590	
79-11591	
79-11592	

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 79-11033

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

SOURCE: UNNAMED STREAM TRIBUTARY: FIRST 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: T30N R01W S28 SWSESW (Instream Beginning Point) Within Idaho County
SESESW (Instream Ending 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 Idaho County
T30N R01W S28 SESW

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
MAR 1 0 2004
SPECIAL MASTER

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication