2004 MAR 12 AM 11: 22
FILED
TWIN FALLS CO., IDAHO

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	)	**AMENED SPECIAL MASTER'S REPORT**
	)	
	)	**FINDINGS OF FACT AND CONCLUSIONS OF LAW**
Case No. 39576	)	
	)	**FOR WATER RIGHTS (SEE ATTACHED EXHIBIT A BASIN 67)**
	)	

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 April 23, 2003 a ***Special Master's Report and Recommendation*** was issued for the above listed water rights. On April 24, 2003, an ***Order Withdrawing the Special Master's Report and Recommendation*** was issued.

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 Basin 67, be **decreed** with the elements as set forth in the attached ***Amended Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b).***

DATED March 12, 2004.

THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

EXHIBIT A BASIN 67 AMENDED MASTER REPORT

Subcase Nos:

67-12343	67-12461	67-12540	67-12610	67-12741	67-12952
67-12344	67-12462	67-12541	67-12611	67-12742	67-12954
67-12346	67-12463	67-12544	67-12613	67-12743	67-12955
67-12348	67-12464	67-12545	67-12614	67-12744	67-12956
67-12352	67-12465	67-12546	67-12616	67-12745	67-12957
67-12359	67-12469	67-12547	67-12618	67-12746	67-12958
67-12361	67-12470	67-12548	67-12620	67-12747	67-12959
67-12362	67-12474	67-12552	67-12623	67-12748	67-12960
67-12364	67-12475	67-12553	67-12624	67-12749	67-12969
67-12365	67-12476	67-12554	67-12631	67-12750	67-12973
67-12373	67-12478	67-12555	67-12632	67-12751	67-12974
67-12374	67-12479	67-12556	67-12633	67-12752	67-12977
67-12375	67-12480	67-12557	67-12634	67-12753	67-12978
67-12376	67-12481	67-12558	67-12635	67-12754	67-12979
67-12377	67-12483	67-12559	67-12636	67-12765	67-12981
67-12379	67-12484	67-12560	67-12637	67-12766	67-12982
67-12380	67-12485	67-12561	67-12638	67-12768	67-12984
67-12381	67-12486	67-12562	67-12639	67-12769	67-12990
67-12392	67-12487	67-12563	67-12640	67-12771	67-12991
67-12393	67-12495	67-12564	67-12641	67-12772	67-12998
67-12395	67-12496	67-12565	67-12642	67-12775	67-12999
67-12396	67-12497	67-12566	67-12647	67-12776	67-13001
67-12397	67-12498	67-12568	67-12653	67-12777	67-13006
67-12398	67-12499	67-12574	67-12654	67-12779	67-13008
67-12399	67-12500	67-12575	67-12655	67-12780	67-13009
67-12400	67-12501	67-12576	67-12656	67-12782	67-13010
67-12401	67-12502	67-12577	67-12657	67-12783	67-13013
67-12403	67-12503	67-12578	67-12658	67-12784	67-13014
67-12404	67-12504	67-12580	67-12659	67-12785	67-13015
67-12405	67-12505	67-12581	67-12675	67-12799	67-13016
67-12406	67-12506	67-12582	67-12677	67-12809	67-13017
67-12407	67-12507	67-12583	67-12678	67-12810	67-13019
67-12408	67-12508	67-12584	67-12683	67-12811	67-13020
67-12409	67-12509	67-12585	67-12685	67-12869	67-13024
67-12411	67-12510	67-12586	67-12686	67-12870	67-13026
67-12412	67-12511	67-12587	67-12687	67-12885	67-13027
67-12413	67-12512	67-12588	67-12688	67-12889	67-13029
67-12414	67-12516	67-12589	67-12703	67-12890	67-13042
67-12415	67-12517	67-12590	67-12704	67-12893	67-13044
67-12416	67-12518	67-12591	67-12705	67-12899	67-13045
67-12418	67-12519	67-12592	67-12706	67-12900	67-13046
67-12419	67-12523	67-12593	67-12707	67-12920	67-13047
67-12420	67-12527	67-12595	67-12709	67-12924	67-13050
67-12450	67-12529	67-12596	67-12710	67-12928	67-13055
67-12455	67-12531	67-12599	67-12713	67-12929	67-13056
67-12456	67-12532	67-12601	67-12714	67-12930	67-13058
67-12457	67-12533	67-12602	67-12715	67-12939	67-13069
67-12458	67-12534	67-12605	67-12716	67-12940	67-13070
67-12459	67-12535	67-12608	67-12720	67-12942	67-13071
67-12460	67-12537	67-12609	67-12740	67-12949	67-13077

(Subcase list: PRIORDATE1)
3/10/04

Subcase Nos:

67-13078	67-13258
67-13082	67-13263
67-13084	67-13264
67-13086	67-13269
67-13089	67-13270
67-13094	67-13273
67-13095	67-13275
67-13096	67-13277
67-13097	67-13278
67-13098	67-13284
67-13100	67-13285
67-13101	67-13286
67-13107	67-13287
67-13114	67-13288
67-13115	67-13289
67-13119	67-13292
67-13120	67-13293
67-13121	67-13295
67-13123	67-13296
67-13125	67-13298
67-13126	67-13299
67-13128	67-13300
67-13136	67-13301
67-13137	67-13302
67-13140	67-13303
67-13141	67-13304
67-13142	67-13306
67-13147	67-13307
67-13148	67-13310
67-13150	67-13311
67-13153	67-13316
67-13154	67-13323
67-13159	67-13324
67-13168	67-13327
67-13174	67-13328
67-13180	67-13330
67-13181	67-13334
67-13183	67-13339
67-13184	
67-13185	
67-13226	
67-13231	
67-13232	
67-13233	
67-13234	
67-13235	
67-13239	
67-13245	
67-13247	
67-13257	

(Subcase list: PRIORDATE1)
3/10/04

2004 MAR 12 AM 11:22
FILED TWIN FALLS CO., IDAHO

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): 67-12343 (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 12, 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

DEBBIE LASH
Deputy Clerk

2004 MAR 12 AM 11:22
CLERK DISTRICT COURT
TWIN FALLS CO. IDAHO

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): 67-12343 (SEE ATTACHED EXHIBIT A)

On March 12, 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 12, 2004.

DEBBIE LASH
Deputy Clerk

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 67-12465

25TH MAR 12 AM 11: 25

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

SOURCE: NORTH HORNET CREEK, LEFT FORK TRIBUTARY: NORTH HORNET 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: T18N R02W S28 SWNENW (Instream Ending Point) Within Adams County
NENWNW (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 Adams County
T18N R02W S28 NENW 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.

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.

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

RECOMMENDATION
AMENDED
MAR 12 2004
SPECIAL MASTER