

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2004 MAR 26 PM 2 57

**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	)	Subcase 85-11998
	)	(USDI / BLM)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 22 (IDWR Basin 86)* on March 19, 1999. The Director recommended claim 85-11998 to the United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho, 83709-1657, for .02 cfs from an unnamed stream in Lewis County for year-'round instream stockwater use with a priority date of November 18, 1895, based on beneficial use.

The State of Idaho filed an *Objection* on June 2, 1999, objecting to priority date and alleging the water right should not exist. On September 17, 1999, the Western Stock Growers Association, Joyce Livestock Company, Jerry Hoagland, Pickett Ranch & Sheep Company, Michael and Gary Poulton, Bruce, Jared, Karl and Scott Bedke and Joe Tugaw ("private parties") filed *Objections* alleging the water right should not exist.

On August 29, 2002, the United States and the private parties filed a *Stipulation and Joint Motion for Order Approving Stipulation* in multiple related subcases, including subcase 85-11998. As part of the *Stipulation*, the private parties agreed to dismiss their objections and responses and "for claims on lands administered by the Bureau of Land Management, the United States shall receive a water right with a priority date which is the later of a) the claimed priority date or b) June 28, 1934."

On September 5, 2002, the Special Master entered an *Order Granting Withdrawal of Objections and Responses* filed by the private parties. On April 21, 2003, the Special Master

entered *Orders Dismissing State of Idaho Objections* based on a *Stipulation to Resolve Objections* filed by the United States and the State. Finally, on March 25, 2004, the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to a priority date of June 28, 1934, and amended points of diversion and places of use.

Conclusions of Law

The United States is entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 85-11998*.

DATED March 26, 2004.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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Water Right 85-11998

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In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 85-11998

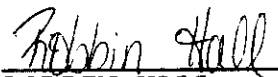
CERTIFICATE OF MAILING

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 26, 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



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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In Re SRBA)
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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

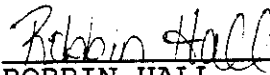
Water Right(s): 85-11998

On March 26, 2004, 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 March 26, 2004.



ROBBIN HALL
Deputy Clerk