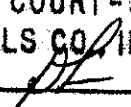


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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED 
2004 APR 16 AM 11 05

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
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 78-10576
	)	

I. FINDINGS OF FACT

This water right number was originally reported as an instream flow claim. The United States withdrew their claim and a partial decree was issued disallowing the right. Idaho Department of Water Resources inadvertently reused this number on the domestic & stock report for Basin 78. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report for Basin 78 Domestic & Stock* filed on March 9, 1999 contained a recommendation for the elements of this water right reusing water right number 78-10576.

On September 17, 1999, objections were filed by Pickett Ranch & Sheep Co., Western Stockgrowers, Joe Tugaw, Michael Poulton, Gary Poulton, Karl Bedke, Jared Bedke, Scott Bedke, Bruce Bedke, Jerry Hoagland and Joyce Livestock Company. On August 29, 2002, the objectors filed a *Notice of Withdrawal of Objections and Responses*. September 18, 2002, an *Order Dismissing Objections and Responses with Prejudice; and Order Dismissing Parties* was issued.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that water right 78-10576 be decreed with the elements as set forth in the attached *Special Master Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: April 13, 2004.



THOMAS R. CUSHMAN
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

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *[Signature]*

2004 APR 16 AM 11 05

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 78-10576

NAME AND ADDRESS: USDA FOREST SERVICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

SOURCE: WEST GRASSY MOUNTAIN LAKE TRIBUTARY: HARD CREEK

QUANTITY: 0.15 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1895

LOCATION INSTREAM FLOW: T21N R02E S10 SWSE Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater Storage	07-10 TO 10-15	0.15 AFY
	Stockwater from Storage	07-10 TO 10-15	0.15 AFY

PLACE OF USE: Stockwater from Storage Within Idaho County
T21N R02E S10 SESW SWSE

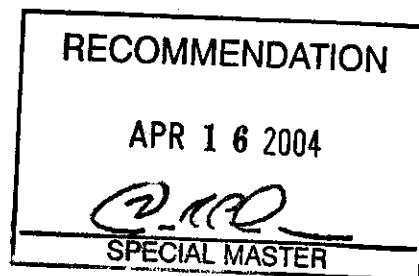
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
FOREST SERVICE RECORD ID = 04 12 17060210 39 0308
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



DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED

2004 APR 16 AM 11 05

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): 78-10576

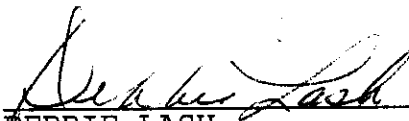
CERTIFICATE OF MAILING

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 April 16, 2004, with sufficient first-class postage prepaid to the following:

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

USDA FOREST SERVICE

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724



DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
04/16/04

2004 APR 16 AM 11 05

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

Water Right(s) : 78-10576

Debbie Lash
DEBBIE LASH
Deputy Clerk