

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 \_\_\_\_\_

2004 JUN 2 PM 12 01

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 19576 )  
 )  
 ) Water Right 67-07643

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

SOURCE: UNNAMED STREAM TRIBUTARY: NORTH CRANE CREEK

QUANTITY: 0.20 AFY

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

PRIORITY DATE: 07/08/1983

POINT OF DIVERSION: T12N R01E S32 NESENE Within Washington County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY |
|-------------------------------|-------------------------|----------------|----------|
|                               | Stockwater from Storage | 01-01 TO 12-31 | 0.20 AFY |
|                               | Wildlife Storage        | 01-01 TO 12-31 | 0.20 AFY |
|                               | Stockwater Storage      | 01-01 TO 12-31 | 0.20 AFY |
|                               | Wildlife from Storage   | 01-01 TO 12-31 | 0.20 AFY |

|               |                         |      |                          |
|---------------|-------------------------|------|--------------------------|
| PLACE OF USE: | Stockwater Storage      |      | Within Washington County |
|               | T12N R01E S32           | SENE |                          |
|               | Stockwater from Storage |      | Within Washington County |
|               | T12N R01E S32           | SENE |                          |
|               | Wildlife Storage        |      | Within Washington County |
|               | T12N R01E S32           | SENE |                          |
|               | Wildlife from Storage   |      | Within Washington County |
|               | T12N R01E S32           | SENE |                          |

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.

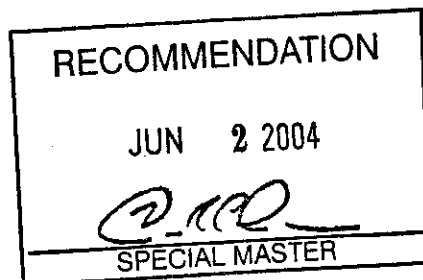
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

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



2004 JUN 2 PM 12

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 MASTERS REPORT      |
|                | ) |                             |
|                | ) | FINDINGS OF FACT AND        |
|                | ) | CONCLUSIONS OF LAW          |
| Case No. 39576 | ) |                             |
|                | ) | FOR WATER RIGHTS (SEE       |
|                | ) | ATTACHED EXHIBIT A BASIN 67 |
|                | ) | FILE NUMBER 73)             |

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. The *Notice of Withdrawal of Objections* filed by Western Stockgrowers did not include the above listed subcases. However, at a Hearing held April 23, 2004, Norman M Semanko withdrew the objections and responses for all water rights that involved the various Ranching entities. On 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 the water rights listed on exhibit A Basin 67 File Number 73, be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED June 2, 2004.



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THOMAS R. CUSHMAN  
Special Master  
Snake River Basin Adjudication

EXHIBIT A BASIN 67 FILE NUMBER 73

Subcase Nos:

67-07076  
67-07080  
67-07086  
67-07091  
67-07095  
67-07097  
67-07100  
67-07179  
67-07643  
67-07644  
67-07645  
67-07646  
67-07647  
67-07649  
67-07660  
67-07672

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TWIN FALLS CO., IDAHO  
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**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: EXHIBIT A BASIN 67 FN 73**

)

Case No. 39576

)

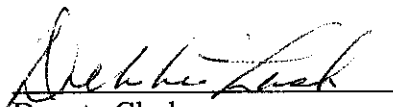
**CERTIFICATE OF MAILING**

)

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT AND RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed with sufficient first class postage to the following:

Director of IDWR  
P O Box 83720  
Boise, Idaho 83720-0098

United States Department of Justice  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

  
Deputy Clerk

2004 JUN 2 PM 12 01

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

Water Right(s): 67-07076  
(SEE ATTACHED EXHIBIT A)

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.

DEBBIE LASH  
Deputy Clerk

Exhibit A

Subcase Nos:

67-07076  
67-07080  
67-07086  
67-07091  
67-07095  
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