

2004 JUN 2 AM 10 24

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

) AMENED SPECIAL
) MASTERS REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS (SEE
) ATTACHED EXHIBIT A BASIN 67
) FILE NUMBER 61)

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 File Number 61, 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 June 2, 2004.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

EXHIBIT A BASIN 67 FILE NUMBER 61

Subcase Nos:

67-12356	67-12874
67-12367	67-12876
67-12368	67-12886
67-12369	67-12892
67-12370	67-12895
67-12371	67-12896
67-12372	67-12905
67-12382	67-12908
67-12386	67-12913
67-12388	67-13072
67-12421	67-13261
67-12427	67-13281
67-12429	67-13282
67-12431	67-14223
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67-12435	
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67-12790	
67-12792	
67-12794	
67-12796	
67-12807	
67-12872	

(Subcase list: 67 FN 61)
6/02/04

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)
Case No. 39576)
)

Water Right(s): 67-12356
(SEE ATTACHED EXHIBIT A)

Stephen Fack
DEPUTY CLERK

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06/02/04

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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)

)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

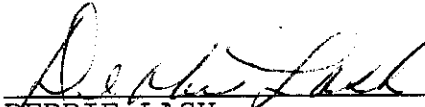
Water Right(s): 67-12356
(SEE ATTACHED EXHIBIT A)

On June 02, 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 June 02, 2004.



DEBBIE LASH
Deputy Clerk