

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 67-12736

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

SOURCE: SPRING TRIBUTARY: MILK CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 04/17/1926

THIS WATER RIGHT IS CLAIMED BASED ON FEDERAL LAW WITH AN APRIL
17, 1926, DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER SIGNED
THE SAME DATE KNOWN AS PUBLIC WATER RESERVE 107.

POINT OF DIVERSION: T12N R01W S29 NWNWSE Within Washington County

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 Washington County
T12N R01W S29 NWSE

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

JUN 2 2004


SPECIAL MASTER

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
67-12433	
67-12435	
67-12437	
67-12443	
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67-12792	
67-12794	
67-12796	
67-12807	
67-12872	

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

2004 JUN 2 AM 10 24

In Re SRBA)
)
Case No. 39576)
)

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

Debra Fack
DEPUTY CLERK

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

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

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.

DATED June 02, 2004.


DEBBIE LASH
Deputy Clerk