

FILED

2004 JUN 2 AM 10 43

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  
Case No. 39576 ) I.R.C.P. 54(b) FOR  
                  ) Water Right 67-13282

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

SOURCE: POND TRIBUTARY: SAGE 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: T13N R05W S10 SESENE Within Washington County

| PURPOSE AND<br>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  
T13N R05W S10 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.

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

RECOMMENDATION

JUN 2 2004

*[Signature]*  
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 |          |
| 67-12445 |          |
| 67-12447 |          |
| 67-12466 |          |
| 67-12492 |          |
| 67-12572 |          |
| 67-12662 |          |
| 67-12664 |          |
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| 67-12671 |          |
| 67-12673 |          |
| 67-12689 |          |
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| 67-12693 |          |
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| 67-12697 |          |
| 67-12727 |          |
| 67-12729 |          |
| 67-12734 |          |
| 67-12736 |          |
| 67-12738 |          |
| 67-12759 |          |
| 67-12761 |          |
| 67-12763 |          |
| 67-12786 |          |
| 67-12790 |          |
| 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)

*Stephen Fack*  
DEPUTY CLERK

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06/02/04

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED                     

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  
\_\_\_\_\_

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

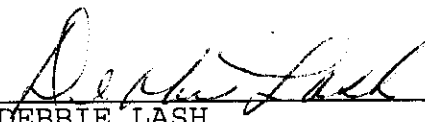
Water Right(s): 67-12356  
(SEE ATTACHED EXHIBIT A)

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