

DISTRICT COURT - SRBA  
TWIN FALLS CO. IDAHO  
FILED    JF     
2004 JUN 23 PM 3 29

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 RIGHTS 67-12848, |
|                | ) | 67-12849 and 67-14224      |

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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. 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 Dimissing Parties* was issued. On March 11, 2003, the State of Idaho filed a *Stipulation to Resolve Objections*. The Stipulation states that the State of Idaho withdraws its objections to these subcases. The *Notice of Withdrawal for Western Stockgrowers* did not include these three (3) subcases. Hearing was set for April 23, 2004. Norman Semanko appeared on behalf of Pickett Ranch & Sheep, AL Cattle, Western Stockgrowers, Joe Tugaw, Michael Poulton, Gary Poulton, Karl Bedke and Scott Bedke. At the hearing Mr. Semanko moved to withdraw the objections and/or responses.

## II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED water rights 67-12848, 67-12489 and 67-14224 be **decreed** as recommended in the Director's Report with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED June 23, 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

2004 JUN 23 PM 3 29

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 67-12848

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

SOURCE: UNNAMED STREAM TRIBUTARY: NORTH CRANE CREEK

QUANTITY: 1.00 AFY

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

PRIORITY DATE: 01/01/1970

POINT OF DIVERSION: T11N R01W S26 NENWSW Within Washington County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY |
|-------------------------------|-------------------------|----------------|----------|
|                               | Stockwater from Storage | 01-01 TO 12-31 | 1.00 AFY |
|                               | Stockwater Storage      | 01-01 TO 12-31 | 1.00 AFY |

|               |                         |                          |
|---------------|-------------------------|--------------------------|
| PLACE OF USE: | Stockwater Storage      | Within Washington County |
|               | T11N R01W S26 NWSW      |                          |
|               | Stockwater from Storage | Within Washington County |
|               | T11N R01W S26 NWSW      |                          |

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 23 2004

SPECIAL MASTER

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

2004 JUN 23 PM 3 29

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 67-12849

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

SOURCE: UNNAMED STREAM TRIBUTARY: NORTH CRANE CREEK

QUANTITY: 0.50 AFY

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

PRIORITY DATE: 01/01/1970

POINT OF DIVERSION: T11N R01W S26 NESESW Within Washington County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY |
|-------------------------------|-------------------------|----------------|----------|
|                               | Stockwater Storage      | 01-01 TO 12-31 | 0.50 AFY |
|                               | Stockwater from Storage | 01-01 TO 12-31 | 0.50 AFY |

|               |                         |                          |
|---------------|-------------------------|--------------------------|
| PLACE OF USE: | Stockwater Storage      | Within Washington County |
|               | T11N R01W S26 SESW      |                          |
|               | Stockwater from Storage | Within Washington County |
|               | T11N R01W S26 SESW      |                          |

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

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

RECOMMENDATION

JUN 23 2004

*[Signature]*  
SPECIAL MASTER

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 *SK*

2004 JUN 23 PM 3 29

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
\_\_\_\_\_) Water Right 67-14224

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

SOURCE: SPRING TRIBUTARY: NORTH CRANE CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 01/01/1970

POINT OF DIVERSION: T11N R01W S26 NESESW 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  
T11N R01W S26 SESW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
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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 23 2004

*Q. M. Q.*  
SPECIAL MASTER

DISTRICT COURT - SRBA  
TWIN FALLS CO. IDAHO  
FILED                     

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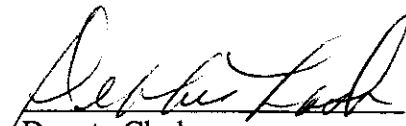
**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

|                |   |                             |
|----------------|---|-----------------------------|
| In Re SRBA     | ) | SUBCASE: 67-12848, 67-12849 |
|                | ) | and 67-14224                |
| Case No. 39576 | ) |                             |
| _____          | ) | CERTIFICATE OF MAILING      |

I certify that a true and correct copy of the SPECIAL MASTER' REPORT AND RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER' REPORT AND RECOMMENDATION were mailed June 23, 2004, with sufficient first-class postage prepaid to the following:

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

United States of America  
USDI BLM  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

  
Deputy Clerk

2004 JUN 23 PM 3 29

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

Water Right(s): 67-12848  
67-12849 67-14224

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*  
DEBBIE LASH  
Deputy Clerk