

2002 DEC 13 AM 10:53

DIST. COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED                     

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 AND                |
|                | ) | RECOMMENDATION; FINDINGS OF                |
| Case No. 39576 | ) | FACT AND CONCLUSIONS OF LAW                |
|                | ) |                                            |
|                | ) | WATER RIGHT NOS.: EXHIBIT A                |
|                | ) | (Basin 37: (188) Stipulation Re: Priority) |
| _____          | ) |                                            |

I. FINDINGS OF FACT

Claims were filed by the United States Bureau of Land Management 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 recommendations for the elements of these water rights.

The State of Idaho filed *Objections* to the above listed water rights on June 2, 1999. *Objections* were filed on September 10, 1999 by Pickett Ranch & Sheep Co., Joe Tugaw, Jared Bedke, Bruce Bedke, Joyce Livestock Company, Jerry Hoagland, Scott Bedke, Karl Bedke, Michael Poulton, Gary Poulton and Western Stockgrowers Association (hereafter "Second Objectors").

The "Second Objectors" filed a *Notice of Withdrawal of Objections and Responses* on August 29, 2002. The remaining *Objections* were resolved with the filing of a *Stipulation to Resolve the State of Idaho's Objections* on October 30, 2002.<sup>1</sup> The United States Bureau of Land Management and the State of Idaho are signatories to the *Stipulation to Resolve the State of Idaho's Objections*. The *Stipulation* changed the priority date to June 28, 1934. The Idaho Department of Water Resources filed a *Notice of Concurrence with Stipulation to Resolve the*

<sup>1</sup> The original list of subcases attached to the *Stipulation to Resolve the State of Idaho's Objections* totaled 1165. The court split the list into two groups (977 & 188) for purposes of filing.

*States of Idaho's Objections* on November 13, 2002. There are no unresolved objections remaining.

## II. CONCLUSIONS OF LAW

The United States claimed these rights under state law. There is no assertion that these rights are based on a federal reservation. Therefore, based on the files and records herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: December 13, 2002

  
\_\_\_\_\_  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

EXHIBIT A (B37:(188)STIP RE:PRIORITY)

Subcase Nos:

|          |          |          |          |
|----------|----------|----------|----------|
| 37-18284 | 37-19184 | 37-19366 | 37-19553 |
| 37-18387 | 37-19193 | 37-19367 | 37-19573 |
| 37-18388 | 37-19194 | 37-19368 | 37-19574 |
| 37-18420 | 37-19259 | 37-19380 | 37-19575 |
| 37-18432 | 37-19275 | 37-19382 | 37-19576 |
| 37-18446 | 37-19276 | 37-19386 | 37-19578 |
| 37-18447 | 37-19277 | 37-19392 | 37-19602 |
| 37-18449 | 37-19278 | 37-19394 | 37-19607 |
| 37-18458 | 37-19279 | 37-19395 | 37-19643 |
| 37-18459 | 37-19280 | 37-19396 | 37-19677 |
| 37-18466 | 37-19281 | 37-19397 | 37-19678 |
| 37-18476 | 37-19282 | 37-19400 | 37-19679 |
| 37-18477 | 37-19283 | 37-19406 | 37-19680 |
| 37-18479 | 37-19284 | 37-19412 | 37-19681 |
| 37-18481 | 37-19285 | 37-19413 | 37-19683 |
| 37-18496 | 37-19286 | 37-19414 | 37-19685 |
| 37-18501 | 37-19287 | 37-19415 | 37-19687 |
| 37-18502 | 37-19288 | 37-19418 | 37-19689 |
| 37-18505 | 37-19290 | 37-19419 | 37-19690 |
| 37-18592 | 37-19291 | 37-19420 | 37-20142 |
| 37-18593 | 37-19292 | 37-19422 | 37-20143 |
| 37-18605 | 37-19293 | 37-19423 | 37-20144 |
| 37-18608 | 37-19294 | 37-19424 | 37-20145 |
| 37-18619 | 37-19296 | 37-19425 | 37-20147 |
| 37-18621 | 37-19297 | 37-19426 | 37-20149 |
| 37-18622 | 37-19298 | 37-19427 | 37-20150 |
| 37-18637 | 37-19299 | 37-19430 | 37-20152 |
| 37-18639 | 37-19300 | 37-19431 | 37-20156 |
| 37-18640 | 37-19301 | 37-19432 | 37-20157 |
| 37-18642 | 37-19302 | 37-19434 | 37-20158 |
| 37-18643 | 37-19303 | 37-19437 | 37-20249 |
| 37-18644 | 37-19304 | 37-19463 | 37-20250 |
| 37-18646 | 37-19307 | 37-19464 | 37-20251 |
| 37-18647 | 37-19308 | 37-19465 | 37-20253 |
| 37-18652 | 37-19309 | 37-19466 | 37-20257 |
| 37-18653 | 37-19310 | 37-19471 | 37-20258 |
| 37-18654 | 37-19311 | 37-19472 | 37-20262 |
| 37-18655 | 37-19312 | 37-19473 | 37-20263 |
| 37-19114 | 37-19318 | 37-19474 |          |
| 37-19161 | 37-19319 | 37-19475 |          |
| 37-19162 | 37-19320 | 37-19477 |          |
| 37-19170 | 37-19321 | 37-19502 |          |
| 37-19171 | 37-19322 | 37-19503 |          |
| 37-19172 | 37-19323 | 37-19504 |          |
| 37-19175 | 37-19324 | 37-19526 |          |
| 37-19176 | 37-19355 | 37-19527 |          |
| 37-19177 | 37-19359 | 37-19528 |          |
| 37-19178 | 37-19360 | 37-19550 |          |
| 37-19182 | 37-19364 | 37-19551 |          |
| 37-19183 | 37-19365 | 37-19552 |          |

(Subcase list: 37STIP194 )  
12/03/02

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FILED  
TWIN FALLS CO., IDAHO  
CLERK

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

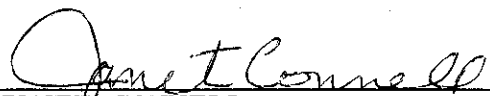
Water Right(s): 37-18284  
(SEE ATTACHED EXHIBIT A)

On December 13, 2002, Special Master BRIGETTE BILYEU 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 December 13, 2002.

  
JANET CONNELL  
Deputy Clerk

# Exhibit A

## Subcase Nos:

|          |          |          |          |
|----------|----------|----------|----------|
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| 37-18388 | 37-19194 | 37-19368 | 37-19574 |
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| 37-18432 | 37-19275 | 37-19382 | 37-19576 |
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| 37-18447 | 37-19277 | 37-19392 | 37-19602 |
| 37-18449 | 37-19278 | 37-19394 | 37-19607 |
| 37-18458 | 37-19279 | 37-19395 | 37-19643 |
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| 37-18466 | 37-19281 | 37-19397 | 37-19678 |
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| 37-18652 | 37-19309 | 37-19466 | 37-20257 |
| 37-18653 | 37-19310 | 37-19471 | 37-20258 |
| 37-18654 | 37-19311 | 37-19472 | 37-20262 |
| 37-18655 | 37-19312 | 37-19473 | 37-20263 |
| 37-19114 | 37-19318 | 37-19474 |          |
| 37-19161 | 37-19319 | 37-19475 |          |
| 37-19162 | 37-19320 | 37-19477 |          |
| 37-19170 | 37-19321 | 37-19502 |          |
| 37-19171 | 37-19322 | 37-19503 |          |
| 37-19172 | 37-19323 | 37-19504 |          |
| 37-19175 | 37-19324 | 37-19526 |          |
| 37-19176 | 37-19355 | 37-19527 |          |
| 37-19177 | 37-19359 | 37-19528 |          |
| 37-19178 | 37-19360 | 37-19550 |          |
| 37-19182 | 37-19364 | 37-19551 |          |
| 37-19183 | 37-19365 | 37-19552 |          |

ST-SRBA  
CO. IDAHO  
OK

In Re SRBA )  
 )  
Case No. 39576 )  
 )

Water Right(s): 37-18284  
(SEE ATTACHED EXHIBIT A)

 PAGE 1  
JANET CONNELL 12/13/02  
Deputy Clerk

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| 37-19170 | 37-19321 | 37-19502 |          |
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| 37-19175 | 37-19324 | 37-19526 |          |
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| 37-19177 | 37-19359 | 37-19528 |          |
| 37-19178 | 37-19360 | 37-19550 |          |
| 37-19182 | 37-19364 | 37-19551 |          |
| 37-19183 | 37-19365 | 37-19552 |          |

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 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 37-19291

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

SOURCE: NEGRO CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T01S R11E S22 SESESE (Instream Ending Point) Within Elmore County  
SESESE (Instream Beginning Point)

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 Elmore County  
T01S R11E S22 SESE

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.

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

