

2002 DEC 13 AM 10: 53

DISTRICT 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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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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| 37-18449 | 37-19278 | 37-19394 | 37-19607 |
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| 37-18477 | 37-19283 | 37-19406 | 37-19680 |
| 37-18479 | 37-19284 | 37-19412 | 37-19681 |
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| 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 |          |
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In Re SRBA )

Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 13, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

STATE OF IDAHO  
Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

USDI BLM  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724  
Phone: 208-387-0835

CERTIFICATE OF MAILING

*Janet Connell* PAGE 1  
JANET CONNELL 12/13/02  
Deputy Clerk

Exhibit A

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