2002 DEC 13 AM 11: 18
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<br><br>Case No. 39576 | )<br>)<br>)<br>)<br>)<br>) | **SPECIAL MASTER'S REPORT AND RECOMMENDATION; FINDINGS OF FACT AND CONCLUSIONS OF LAW**<br><br>**WATER RIGHT NOS.: EXHIBIT A (Basin 37: (977) 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.[1] 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*

1 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:(977)STIP RE:PRIORITY)

Subcase Nos:

| | | | | | |
|---|---|---|---|---|---|
| 37-14303 | 37-14400 | 37-14535 | 37-14742 | 37-14985 | 37-15305 |
| 37-14305 | 37-14401 | 37-14539 | 37-14744 | 37-14993 | 37-15306 |
| 37-14306 | 37-14402 | 37-14540 | 37-14745 | 37-14999 | 37-15307 |
| 37-14307 | 37-14403 | 37-14541 | 37-14746 | 37-15008 | 37-15326 |
| 37-14308 | 37-14404 | 37-14543 | 37-14747 | 37-15009 | 37-15327 |
| 37-14310 | 37-14405 | 37-14544 | 37-14748 | 37-15010 | 37-15328 |
| 37-14311 | 37-14406 | 37-14545 | 37-14749 | 37-15011 | 37-15329 |
| 37-14314 | 37-14407 | 37-14550 | 37-14750 | 37-15013 | 37-15330 |
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(Subcase list: 37STIP183 )
12/03/02

EXHIBIT A (B37:(977)STIP RE:PRIORITY)

Subcase Nos:

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(Subcase list: 37STIP183 )
12/03/02

EXHIBIT A (B37:(977)STIP RE:PRIORITY)

Subcase Nos:

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| 37-17139 | 37-17292 | 37-17427 | 37-17518 | 37-17646 | 37-17839 |
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(Subcase list: 37STIP183 )
12/03/02

EXHIBIT A (B37:(977)STIP RE:PRIORITY)

Subcase Nos:

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| 37-17943 | |
| 37-17944 | |
| 37-17945 | |
| 37-17946 | |

(Subcase list: 37STIP183 )
12/03/02

2002 DEC 13 AM 11: 18

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 | ) | NOTICE OF ISSUANCE OF SPECIAL MASTER'S RECOMMENDATION |
| Case No. 39576 | ) | |
| | ) | Water Right(s): 37-14303 (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

JANET CONNELL
Deputy Clerk

Exhibit A

Subcase Nos:

| | | | | | |
|---|---|---|---|---|---|
| 37-14303 | 37-14400 | 37-14535 | 37-14742 | 37-14985 | 37-15305 |
| 37-14305 | 37-14401 | 37-14539 | 37-14744 | 37-14993 | 37-15306 |
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| 37-14310 | 37-14405 | 37-14544 | 37-14748 | 37-15010 | 37-15328 |
| 37-14311 | 37-14406 | 37-14545 | 37-14749 | 37-15011 | 37-15329 |
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| 37-14392 | 37-14526 | 37-14735 | 37-14942 | 37-15282 | 37-15605 |
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| 37-14395 | 37-14531 | 37-14737 | 37-14973 | 37-15284 | 37-15607 |
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| 37-14399 | 37-14534 | 37-14739 | 37-14976 | 37-15304 | 37-15610 |

Exhibit A

Subcase Nos:

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| 37-15619 | 37-15725 | 37-15884 | 37-16036 | 37-16092 | 37-16522 |
| 37-15622 | 37-15727 | 37-15886 | 37-16037 | 37-16093 | 37-16526 |
| 37-15623 | 37-15730 | 37-15887 | 37-16038 | 37-16106 | 37-16540 |
| 37-15624 | 37-15731 | 37-15888 | 37-16039 | 37-16110 | 37-16541 |
| 37-15625 | 37-15734 | 37-15889 | 37-16040 | 37-16113 | 37-16542 |
| 37-15627 | 37-15735 | 37-15891 | 37-16041 | 37-16124 | 37-16543 |
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Exhibit A

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| 37-17039 | 37-17173 | 37-17354 | 37-17454 | 37-17578 | 37-17766 |
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Exhibit A

Subcase Nos:

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| 37-17867 | 37-17958 |
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| 37-17874 | 37-17963 |
| 37-17875 | 37-17965 |
| 37-17876 | 37-17967 |
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| 37-17881 | 37-17970 |
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| 37-17891 | 37-17993 |
| 37-17893 | 37-17999 |
| 37-17895 | 37-18141 |
| 37-17897 | 37-18142 |
| 37-17904 | 37-18143 |
| 37-17908 | 37-18144 |
| 37-17909 | 37-18155 |
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| 37-17941 | |
| 37-17942 | |
| 37-17943 | |
| 37-17944 | |
| 37-17945 | |
| 37-17946 | |

2002 DEC 13 AM 11: 18

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 | ) | CERTIFICATE OF MAILING |
| | ) | |
| Case No. 39576 | ) | |
| | ) | Water Right(s): 37-14303 (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



Janet Connell 12/13/02
JANET CONNELL
Deputy Clerk

Exhibit A

Subcase Nos:

| | | | | | |
|---|---|---|---|---|---|
| 37-14303 | 37-14400 | 37-14535 | 37-14742 | 37-14985 | 37-15305 |
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| 37-14348 | 37-14409 | 37-14559 | 37-14752 | 37-15015 | 37-15337 |
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| 37-14357 | 37-14414 | 37-14567 | 37-14864 | 37-15034 | 37-15367 |
| 37-14358 | 37-14415 | 37-14568 | 37-14874 | 37-15035 | 37-15368 |
| 37-14359 | 37-14438 | 37-14570 | 37-14880 | 37-15055 | 37-15386 |
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| 37-14362 | 37-14441 | 37-14575 | 37-14888 | 37-15063 | 37-15436 |
| 37-14363 | 37-14442 | 37-14576 | 37-14889 | 37-15064 | 37-15438 |
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Exhibit A

Subcase Nos:

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Subcase Nos:

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| 37-17038 | 37-17168 | 37-17352 | 37-17453 | 37-17577 | 37-17765 |
| 37-17039 | 37-17173 | 37-17354 | 37-17454 | 37-17578 | 37-17766 |
| 37-17048 | 37-17174 | 37-17355 | 37-17455 | 37-17579 | 37-17767 |
| 37-17049 | 37-17178 | 37-17356 | 37-17456 | 37-17580 | 37-17768 |
| 37-17050 | 37-17179 | 37-17357 | 37-17457 | 37-17582 | 37-17770 |
| 37-17051 | 37-17180 | 37-17358 | 37-17458 | 37-17583 | 37-17771 |
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| 37-17074 | 37-17183 | 37-17373 | 37-17460 | 37-17587 | 37-17779 |
| 37-17075 | 37-17184 | 37-17402 | 37-17461 | 37-17588 | 37-17780 |
| 37-17077 | 37-17192 | 37-17405 | 37-17463 | 37-17591 | 37-17795 |
| 37-17089 | 37-17194 | 37-17406 | 37-17464 | 37-17594 | 37-17796 |
| 37-17095 | 37-17196 | 37-17407 | 37-17465 | 37-17597 | 37-17805 |
| 37-17096 | 37-17197 | 37-17408 | 37-17466 | 37-17598 | 37-17807 |
| 37-17098 | 37-17198 | 37-17410 | 37-17467 | 37-17601 | 37-17808 |
| 37-17104 | 37-17208 | 37-17411 | 37-17469 | 37-17602 | 37-17809 |
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| 37-17129 | 37-17245 | 37-17419 | 37-17506 | 37-17627 | 37-17826 |
| 37-17132 | 37-17247 | 37-17420 | 37-17507 | 37-17628 | 37-17827 |
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| 37-17138 | 37-17291 | 37-17424 | 37-17516 | 37-17637 | 37-17838 |
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| 37-17145 | 37-17301 | 37-17431 | 37-17533 | 37-17663 | 37-17844 |
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| 37-17147 | 37-17314 | 37-17433 | 37-17538 | 37-17666 | 37-17846 |
| 37-17149 | 37-17315 | 37-17434 | 37-17539 | 37-17668 | 37-17847 |
| 37-17150 | 37-17316 | 37-17436 | 37-17542 | 37-17669 | 37-17848 |
| 37-17151 | 37-17322 | 37-17438 | 37-17543 | 37-17670 | 37-17849 |
| 37-17152 | 37-17325 | 37-17439 | 37-17544 | 37-17675 | 37-17850 |
| 37-17153 | 37-17333 | 37-17440 | 37-17545 | 37-17707 | 37-17851 |
| 37-17154 | 37-17335 | 37-17441 | 37-17549 | 37-17708 | 37-17852 |
| 37-17155 | 37-17336 | 37-17442 | 37-17551 | 37-17710 | 37-17853 |
| 37-17157 | 37-17338 | 37-17443 | 37-17566 | 37-17711 | 37-17854 |
| 37-17161 | 37-17339 | 37-17444 | 37-17568 | 37-17726 | 37-17855 |
| 37-17162 | 37-17341 | 37-17445 | 37-17570 | 37-17748 | 37-17856 |
| 37-17163 | 37-17343 | 37-17446 | 37-17571 | 37-17752 | 37-17857 |

Exhibit A

Subcase Nos:

| | |
|---|---|
| 37-17860 | 37-17947 |
| 37-17861 | 37-17948 |
| 37-17862 | 37-17949 |
| 37-17863 | 37-17950 |
| 37-17864 | 37-17954 |
| 37-17865 | 37-17955 |
| 37-17866 | 37-17956 |
| 37-17867 | 37-17958 |
| 37-17868 | 37-17960 |
| 37-17870 | 37-17961 |
| 37-17873 | 37-17962 |
| 37-17874 | 37-17963 |
| 37-17875 | 37-17965 |
| 37-17876 | 37-17967 |
| 37-17877 | 37-17968 |
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| 37-17881 | 37-17970 |
| 37-17882 | 37-17973 |
| 37-17884 | 37-17980 |
| 37-17885 | 37-17990 |
| 37-17891 | 37-17993 |
| 37-17893 | 37-17999 |
| 37-17895 | 37-18141 |
| 37-17897 | 37-18142 |
| 37-17904 | 37-18143 |
| 37-17908 | 37-18144 |
| 37-17909 | 37-18155 |
| 37-17911 | |
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| 37-17942 | |
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| 37-17944 | |
| 37-17945 | |
| 37-17946 | |

2002 DEC 13 PM 02:00
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 | ) | PARTIAL DECREE PURSUANT TO |
| | ) | I.R.C.P. 54(b) FOR |
| Case No. 39576 | ) | |
| | ) | Water Right 37-15600 |

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

SOURCE: UNNAMED STREAM TRIBUTARY: LITTLE BAUGH 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: T03N R20E S21 SESENE (Instream Beginning Point) Within Blaine County
NWNESE (Instream Ending 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 Blaine County
T03N R20E S21 SENE NESE

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

RECOMMENDATION
DEC 13 2002
Bizette Lilyen
SPECIAL MASTER