

2003 FEB 19 PM 4:01

FILED  
TWIN FALLS CO., IDAHO  
ST-SRBA

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 ) Subcases 81-10340, *et al.*  
Case No. 39576 ) (See list of 69 claims in Basin 81 attached)  
 ) (USDA/FS)  
 )  
 ) SPECIAL MASTER REPORT

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**Findings of Fact**

The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 22, IDWR Basin 81* on March 19, 1999. The Director recommended each of the above 69 claims to the United States of America, Department of Agriculture, Forest Service, 550 W. Fort Street, MSC 033, Boise, Idaho 83724, for .02 cfs from various creeks, streams, springs and a lake for stockwater use in Idaho County with priority dates of February 22 and May 1, 1897, June 1, 1960, and June 1, 1964, based on beneficial use.

On September 17, 2000, *Objections* alleging the water right should not exist were filed by: Joyce Livestock Company, Jerry Hoagland, Bruce Bedke, Scott Bedke, Jared Bedke, Karl Bedke, Gary Poulton, Michael Poulton, Joe Tugaw, Western Stockgrowers Association and Pickett Ranch & Sheep Company.

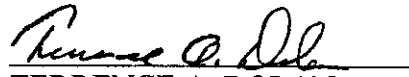
However, on August 29, 2002, the objectors filed a *Notice of Withdrawal of Objections and Responses* in multiple subcases, including the above 69 claims and on September 5, 2002, the Special Master entered an *Order Granting Withdrawal of Objections and Responses*. Finally, on October 1, 2002, the Special Master entered an *Order Setting Deadlines* requiring parties to file motions to correct any errors in the list of subcases covered by the previous *Order* no later than November 1, 2002. None of the parties moved to correct any errors.

**Conclusions of Law**

The United States of America, Department of Agriculture, Forest Service is entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the

attached *Special Master Recommendations for Partial Decrees for the Above Listed 69 Claims in Basin 81*.

DATED February 19, 2003.

  
TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

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DEPT. OF SRBA  
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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 )

CERTIFICATE OF MAILING

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

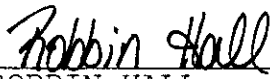
Water Right(s): 81-10340  
(SEE ATTACHED EXHIBIT A)

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 February 19, 2003, with sufficient first-class postage prepaid to the following:

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

USDA FOREST SERVICE  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
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Exhibit A

Subcase Nos:

|          |          |
|----------|----------|
| 81-10340 | 81-11827 |
| 81-10341 | 81-11828 |
| 81-10342 | 81-11829 |
| 81-10343 | 81-11830 |
| 81-10346 | 81-11831 |
| 81-10347 | 81-11835 |
| 81-10350 | 81-11836 |
| 81-10355 | 81-11837 |
| 81-10356 | 81-11838 |
| 81-10359 | 81-11840 |
| 81-10367 | 81-11841 |
| 81-10370 | 81-11842 |
| 81-10372 | 81-11843 |
| 81-10373 | 81-11844 |
| 81-10374 | 81-11848 |
| 81-10375 | 81-11849 |
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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 )  
Case No. 39576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 81-10340  
(SEE ATTACHED EXHIBIT A)

On February 19, 2003, Special Master TERRENCE A. DOLAN 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 February 19, 2003.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

Exhibit A

Subcase Nos:

|          |          |
|----------|----------|
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| 81-11826 |          |

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PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
  
Water Right 81-10340

[illegible]

QUANTITY: 0.02 CFS

PRIORITY DATE: 05/01/1897

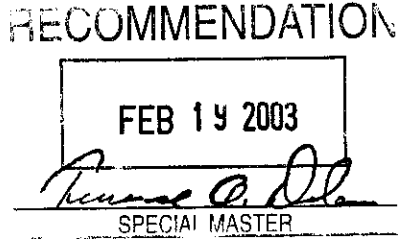
| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Stockwater     | 07-01 TO 10-31 | 0.02 CFS |

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

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