

2003 FEB 20 AM 11: 25

DEPT. OF AGRICULTURE  
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 ) Subcases 82-04059, *et al.*  
Case No. 39576 ) (See attached list of 127 claims in Basin 82)  
 ) (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 82* on March 19, 1999. The Director recommended each of the above 127 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 rivers for stockwater uses in Idaho County with a priority date of May 1, 1897, 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 127 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 127 Claims in Basin 82.*

DATED February 20, 2003.

A handwritten signature in black ink, appearing to read "Terrence A. Dolan", is written over a horizontal line.

TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

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FILED  
TWIN FALLS CO., IDAHO  
CLERK OF DISTRICT COURT

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): 82-04059  
(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 20, 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  
02/20/03

Exhibit A

Subcase Nos:

|          |          |          |
|----------|----------|----------|
| 82-04059 | 82-10383 | 82-10453 |
| 82-04065 | 82-10384 | 82-10454 |
| 82-04066 | 82-10385 | 82-10455 |
| 82-04069 | 82-10386 | 82-10456 |
| 82-04070 | 82-10387 | 82-10457 |
| 82-04071 | 82-10391 | 82-10459 |
| 82-04073 | 82-10392 | 82-10460 |
| 82-04075 | 82-10393 | 82-10461 |
| 82-10277 | 82-10395 | 82-10462 |
| 82-10287 | 82-10396 | 82-10468 |
| 82-10288 | 82-10397 | 82-10469 |
| 82-10289 | 82-10400 | 82-10470 |
| 82-10290 | 82-10401 | 82-10471 |
| 82-10292 | 82-10402 | 82-10472 |
| 82-10293 | 82-10403 | 82-10473 |
| 82-10294 | 82-10406 | 82-10474 |
| 82-10297 | 82-10410 | 82-10475 |
| 82-10299 | 82-10411 | 82-10476 |
| 82-10300 | 82-10412 | 82-10477 |
| 82-10301 | 82-10414 | 82-10478 |
| 82-10304 | 82-10415 | 82-10479 |
| 82-10305 | 82-10417 | 82-10480 |
| 82-10306 | 82-10419 | 82-10481 |
| 82-10307 | 82-10420 | 82-10482 |
| 82-10308 | 82-10421 | 82-11979 |
| 82-10309 | 82-10422 | 82-11980 |
| 82-10311 | 82-10423 | 82-12006 |
| 82-10312 | 82-10424 |          |
| 82-10313 | 82-10425 |          |
| 82-10314 | 82-10426 |          |
| 82-10316 | 82-10428 |          |
| 82-10317 | 82-10429 |          |
| 82-10319 | 82-10430 |          |
| 82-10326 | 82-10431 |          |
| 82-10347 | 82-10432 |          |
| 82-10355 | 82-10433 |          |
| 82-10358 | 82-10434 |          |
| 82-10359 | 82-10436 |          |
| 82-10366 | 82-10437 |          |
| 82-10369 | 82-10438 |          |
| 82-10370 | 82-10439 |          |
| 82-10371 | 82-10440 |          |
| 82-10372 | 82-10441 |          |
| 82-10373 | 82-10442 |          |
| 82-10374 | 82-10443 |          |
| 82-10375 | 82-10447 |          |
| 82-10377 | 82-10448 |          |
| 82-10378 | 82-10449 |          |
| 82-10379 | 82-10450 |          |
| 82-10381 | 82-10452 |          |

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TWIN FALLS, IDAHO  
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 )  
 )  
Case No. 39576 )  
 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 82-04059  
(SEE ATTACHED EXHIBIT A)

On February 20, 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 20, 2003.

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

Exhibit A

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| 82-10290 | 82-10401 | 82-10471 |
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| 82-10293 | 82-10403 | 82-10473 |
| 82-10294 | 82-10406 | 82-10474 |
| 82-10297 | 82-10410 | 82-10475 |
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| 82-10300 | 82-10412 | 82-10477 |
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| 82-10304 | 82-10415 | 82-10479 |
| 82-10305 | 82-10417 | 82-10480 |
| 82-10306 | 82-10419 | 82-10481 |
| 82-10307 | 82-10420 | 82-10482 |
| 82-10308 | 82-10421 | 82-11979 |
| 82-10309 | 82-10422 | 82-11980 |
| 82-10311 | 82-10423 | 82-12006 |
| 82-10312 | 82-10424 |          |
| 82-10313 | 82-10425 |          |
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| 82-10375 | 82-10447 |          |
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| 82-10379 | 82-10450 |          |
| 82-10381 | 82-10452 |          |

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  
Fifth Judicial District  
County of Twin Falls - State of Idaho

FEB 20 2003

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 82-10369

By \_\_\_\_\_ Clerk  
\_\_\_\_\_  
Deputy Clerk

NAME AND ADDRESS: USDA FOREST SERVICE  
550 W FORT ST, MSC 033  
BOISE, ID 83724

SOURCE: BIG ELK CREEK TRIBUTARY: ELK CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 05/01/1897

POINT OF DIVERSION: T30N R07E S14 SESW (Instream Beginning Point) Within Idaho County  
R08E S31 SWSE (Instream Ending Point)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 06-01 TO 10-31 | 0.02 CFS |

| PLACE OF USE: | Stockwater    | Within Idaho County |
|---------------|---------------|---------------------|
|               | T30N R07E S14 | SESW                |
|               | S23           | NWNE                |
|               |               | NENW                |
|               |               | SWSE                |
|               | S25           | SWNW                |
|               |               | NESW                |
|               |               | NWSW                |
|               |               | NESE                |
|               | S26           | NWSE                |
|               |               | SESE                |
|               |               | NENE                |
|               |               | NWNE                |
|               |               | SENE                |
|               | R08E S30      | SWSW                |
|               | S31           | NENW                |
|               |               | NWNW                |
|               |               | SENE                |
|               |               | NESW                |
|               |               | SWSE                |

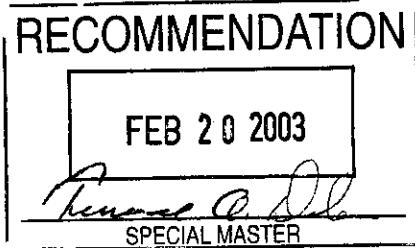
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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