

2003 FEB 20 PM 4:18

FILED
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 83-04049, *et al.*
Case No. 39576) (See attached list of 36 claims in Basin 83)
) (USDA/FS)
)
) SPECIAL MASTER REPORT

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 83* on March 19, 1999. The Director recommended each of the above 36 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 and streams for stockwater uses in Clearwater, Shoshone and Idaho Counties with priority dates between February 6, 1897, and June 15, 1967, 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 36 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 36 Claims in Basin 83*.

DATED February 20, 2003.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

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DISTRICT COURT - SRBA
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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 83-04049
(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

ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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02/20/03

Exhibit A

Subcase Nos:

83-04049
83-04051
83-04059
83-10155
83-10156
83-10157
83-10158
83-10159
83-10167
83-10181
83-10182
83-10188
83-10189
83-10194
83-10195
83-10196
83-10198
83-10202
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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 83-04049
(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

Subcase Nos:

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