

2002 DEC 13 AM 11:18

U.S. 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: (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.

Special Master's Report and Recommendation

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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
37-14315	37-14408	37-14558	37-14751	37-15014	37-15331
37-14348	37-14409	37-14559	37-14752	37-15015	37-15337
37-14349	37-14411	37-14562	37-14766	37-15025	37-15341
37-14351	37-14412	37-14563	37-14779	37-15029	37-15363
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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
37-14360	37-14440	37-14572	37-14885	37-15056	37-15433
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37-14364	37-14467	37-14578	37-14890	37-15065	37-15442
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37-14396	37-14532	37-14738	37-14974	37-15303	37-15608
37-14399	37-14534	37-14739	37-14976	37-15304	37-15610

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

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

Subcase Nos:

37-15612	37-15721	37-15879	37-16010	37-16088	37-16506
37-15613	37-15722	37-15880	37-16012	37-16089	37-16512
37-15614	37-15723	37-15881	37-16034	37-16090	37-16520
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37-15631	37-15737	37-15893	37-16043	37-16130	37-16545
37-15633	37-15738	37-15895	37-16044	37-16131	37-16546
37-15634	37-15739	37-15896	37-16045	37-16136	37-16863
37-15635	37-15740	37-15897	37-16046	37-16137	37-16864
37-15636	37-15745	37-15898	37-16047	37-16142	37-16873
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(Subcase list: 37STIP183)
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EXHIBIT A (B37:(977)STIP RE:PRIORITY)

Subcase Nos:

37-16959	37-17164	37-17346	37-17447	37-17573	37-17754
37-16961	37-17165	37-17349	37-17448	37-17574	37-17755
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37-16982	37-17167	37-17351	37-17451	37-17576	37-17757
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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
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37-17145	37-17301	37-17431	37-17533	37-17663	37-17844
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37-17150	37-17316	37-17436	37-17542	37-17669	37-17848
37-17151	37-17322	37-17438	37-17543	37-17670	37-17849
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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

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Subcase Nos:

37-17860	37-17947
37-17861	37-17948
37-17862	37-17949
37-17863	37-17950
37-17864	37-17954
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37-17944	
37-17945	
37-17946	

(Subcase list: 37STIP183)
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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): 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
Deputy Clerk

Exhibit A

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37-14396	37-14532	37-14738	37-14974	37-15303	37-15608
37-14399	37-14534	37-14739	37-14976	37-15304	37-15610

Exhibit A

Subcase Nos:

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Subcase Nos:

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FILED 1-SRBA
TWIN FALLS, IDAHO

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)
_____)

CERTIFICATE OF MAILING

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

CERTIFICATE OF MAILING

 PAGE 1
JANET CONNELL 12/13/02
Deputy Clerk

Exhibit A

Subcase Nos:

37-14303	37-14400	37-14535	37-14742	37-14985	37-15305
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Exhibit A

Subcase Nos:

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37-17151	37-17322	37-17438	37-17543	37-17670	37-17849
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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
37-17878	37-17969
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	
37-17912	
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37-17945	
37-17946	

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 37-16487

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

SOURCE: UNNAMED STREAM TRIBUTARY: ELK 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: T02N R17E S21 SWSWNE (Instream Ending Point) Within Blaine County
NWSNW (Instream Beginning 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
T02N R17E S21 SWNE SENW

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

