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Department of Water Resources

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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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS (SEE
	)	ATTACHED EXHIBIT A)

I. FINDINGS OF FACT

A notice of claim was filed for these 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 a recommendation or abstract for the elements of these water rights.

On September 17, 1999, objections were filed by Norman Semanko on behalf of multiple parties. On September 18, 2002, Jared Bedke, Bruce Bedke, Jerry Hoagland and Joyce Livestock were dismissed as a party. Subsequently, a *Standard Form 5/Amended Claim* was filed on November 13, 2002. Objections to the Amended Claim were due December 31, 2002. No objections were filed. Signatures on the *Standard Form's 5* included, David Negri on behalf of the USDA Forest Service, Willis and Betty Deveny, and Norman Semanko on behalf of Karl Bedke, Scott Bedke, Pickett Ranch & Sheep Co., Gary Poulton, Michael Poulton, Joe Tugaw and Western Stockgrowers Association et al.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Form's 5*, IT IS RECOMMENDED that these water rights be decreed with the elements as set forth in the attached *Special Master Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED: January 15, 2003.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

78-04197
78-04203
78-04205
78-04206
78-04208
78-04209
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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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 78-04197
(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 January 15, 2003, with sufficient first-class postage prepaid to the following:

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

CERTIFICATE OF MAILING

PAGE 1
01/15/03

A L CATTLE INC
EUGENE MATHEWS
FLYING TRIANGLE INC
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KARL (BUD) BEDKE
LUTHER GARDNER
PICKETT RANCH & SHEEP CO.
SHOULDERS 3 RANCHES INC
WESTERN STOCK GROWERS ASSOC
WILLIS D & BETTY G DEVENY

Represented by:
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ATTORNEY AT LAW
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BRUCE BEDKE
GARY POULTON
JARED BEDKE
JERRY HOAGLAND
JOE TUGAW
KARL U (BUD) BEDKE
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SCOTT BEDKE
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UNITED STATES OF AMERICA
USDA FOREST SERVICE
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
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BOX 1160
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Phone: 208-628-3462

SHINGLE CREEK LLC
P O BOX 1160
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DEBBIE LASH
Deputy Clerk

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CLERK OF DISTRICT COURT, IDAHO
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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 78-04197
(SEE ATTACHED EXHIBIT A)

On January 15, 2003, Special Master THOMAS R CUSHMAN
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 January 15, 2003.


DEBBIE LASH
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Department of Water Resources

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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

