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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
78-04210
78-04211
78-04214
78-04216
78-04219
78-04224
78-04225
78-04234
78-04238
78-04239
78-04247
78-10338
78-10339
78-10340
78-10626
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78-12007
78-12008
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78-12010
78-12180
78-12182
78-12183
78-12184
78-12185

(Subcase list: 78DEV/SEM)
1/15/03

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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): 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

A L CATTLE INC
EUGENE MATHEWS
FLYING TRIANGLE INC
JOYCE LIVESTOCK
KARL (BUD) BEDKE
LUTHER GARDNER
PICKETT RANCH & SHEEP CO.
SHOULDERS 3 RANCHES INC
WESTERN STOCK GROWERS ASSOC
WILLIS D & BETTY G DEVENY
  Represented by:
NORMAN M. SEMANKO
ATTORNEY AT LAW
205 N 10TH ST, STE 530
BOISE, ID 83702
Phone: 208-344-6690

BRUCE BEDKE
GARY POULTON
JARED BEDKE
JERRY HOAGLAND
JOE TUGAW
KARL U (BUD) BEDKE
MICHAEL POULTON
PICKETT RANCH & SHEEP CO
SCOTT BEDKE
WESTERN STOCKGROWERS ASSOC
  Represented by:
TRAVIS L THOMPSON
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

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

WILLIS D & BETTY G DEVENY
BOX 1160
RIGGINS, ID 83549
Phone: 208-628-3462

SHINGLE CREEK LLC
P O BOX 1160
RIGGINS, ID 83549

DEBBIE LASH
Deputy Clerk

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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): 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
DEBBIE LASH
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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FILED

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 78-04219

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Department of Water Resources

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

SOURCE: LOG TROUGH SPRING TRIBUTARY: COCONUT GROVE CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO. 78-10338 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/10/1906

POINT OF DIVERSION: T23N R01W S21 NESWSW Within Idaho County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	05-15 TO 11-15	0.02 CFS

PLACE OF USE: Stockwater Within Idaho County
T23N R01W S21 SWSW

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.
THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND WILLIS DEVENY, BETTY DEVENY AND SHINGLE CREEK LLC, FILED IN THE OFFICE OF THE IDAHO COUNTY RECORDER AND RECORDED ON OCTOBER 31, 2002 AS INSTRUMENT NO: 425169; THE PROVISIONS OF SUCH STIPULATION TO APPLY FULLY TO 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.

RECOMMENDATION
JAN 15 2003
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication