2003 JUN 29 AM 11: 21
FILED - SRBA
TWIN FALLS CO. 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	)	**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 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 a recommendation or abstract for the elements of these water rights.

On September 17, 1999, an objection was filed to the above listed water rights by Pickett Ranch & Sheep Co, Western Stockgrowers Assoc., Joe Tugaw, Michael Poulton, Gary Poulton, Karl Bedke, Jared Bedke, Scott Bedke, Bruce Bedke, Jerry Hoagland and Joyce Livestock Company. On August 29, 2001, the parties filed a *Stipulation and Joint Motion for Order Approving Stipulation, Notice of Withdrawal of Objections and Responses* filed by Semanko for Bruce Bedke et al, *Notice of Withdrawal of Objections and Responses* filed by Semanko for Western Stockgrowers et al. On September 18, 2002, an ***Order Dismissing Objections and Responses with Prejudice; and Order Dimsissing Parties*** was issued. On October 2, 2002, Special Master Cushman issued an ***Order Setting Deadline for Motions and Standard Form 5's.*** The ***Order*** stated "If no Standard Forms 5 are filed, the rights listed on Exhibit A will be recommended as in the Director's Report."

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that the water rights listed on Exhibit A be **decreed** with the elements as set forth in the attached ***Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b).***

DATED January 28, 2002.

THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

77-04094	77-10181	77-10326	77-10930
77-04098	77-10182	77-10327	77-10931
77-04099	77-10185	77-10328	77-10932
77-04106	77-10186	77-10329	77-10933
77-04109	77-10189	77-10330	77-10934
77-04112	77-10190	77-10331	77-13863
77-04113	77-10191	77-10333	77-13864
77-04192	77-10193	77-10334	77-13865
77-07139	77-10195	77-10338	77-13866
77-07196	77-10196	77-10340	77-13867
77-07290	77-10197	77-10341	77-13868
77-10138	77-10198	77-10342	77-13870
77-10139	77-10199	77-10350	77-13872
77-10140	77-10200	77-10351	77-13873
77-10141	77-10201	77-10352	77-13874
77-10142	77-10202	77-10353	77-13876
77-10143	77-10203	77-10356	77-13877
77-10145	77-10204	77-10357	77-13879
77-10146	77-10205	77-10618	77-13882
77-10147	77-10206	77-10619	77-13883
77-10148	77-10207	77-10620	77-13884
77-10149	77-10208	77-10625	77-13885
77-10150	77-10279	77-10627	77-13886
77-10151	77-10283	77-10628	77-13887
77-10152	77-10285	77-10635	77-13888
77-10153	77-10286	77-10638	77-13889
77-10154	77-10287	77-10640	77-13890
77-10155	77-10289	77-10868	77-13891
77-10156	77-10290	77-10869	77-13892
77-10157	77-10291	77-10870	77-13893
77-10158	77-10292	77-10888	77-13894
77-10159	77-10293	77-10890	77-13895
77-10160	77-10295	77-10891	77-13896
77-10162	77-10296	77-10892	77-13897
77-10163	77-10297	77-10893	77-13898
77-10164	77-10302	77-10894	77-13899
77-10165	77-10304	77-10895	77-13900
77-10166	77-10305	77-10898	77-13901
77-10167	77-10309	77-10901	77-13902
77-10168	77-10313	77-10907	77-13903
77-10169	77-10314	77-10915	77-13904
77-10170	77-10315	77-10916	77-13905
77-10171	77-10317	77-10917	77-13906
77-10172	77-10319	77-10919	77-13907
77-10174	77-10320	77-10920	77-13908
77-10175	77-10321	77-10922	77-13909
77-10176	77-10322	77-10925	77-13910
77-10178	77-10323	77-10926	77-13911
77-10179	77-10324	77-10928	77-13912
77-10180	77-10325	77-10929	77-13914

(Subcase list: TCB77UNCON)
1/29/03

2003 JAN 29 AM 11:04
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)	CERTIFICATE OF MAILING
)	
Case No. 39576)	
)	Water Right(s): 77-04094 (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 29, 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

DEBBIE LASH
Deputy Clerk

2003 JAN 29 AM 11:44
SRBA
TWIN FALLS CO., 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): 77-04094 (SEE ATTACHED EXHIBIT A)

On January 29, 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 29, 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

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 77-10892

2003 JAN 29 AM 11:42

SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: JACK CREEK TRIBUTARY: BIG MALLARD 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:

T26N R09E S03	NENE	(Instream Ending Point)	Within Idaho County
T27N R09E S33	NESW	(Instream Beginning Point)	

PURPOSE AND 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

T26N R09E S03	NENE	
T27N R09E S27	NWSW	SWSW
S28	NESE	SWSE
	SESE	
S33	NWNE	SWNE
	NESW	NWSE
S34	NWNW	SWNW
	SENW	NESW
	NWSE	SWSE
	SESE	

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.

RECOMMENDATION
JAN 28 2003
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication