

2003 JUN 29 AM 11:49

FILED
TWIN FALLS, IDAHO
JUN 29 2003

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) Subcase 81-10351
Case No. 39576) (USDI/FS)
)
) SPECIAL MASTER REPORT
)

Findings of Fact

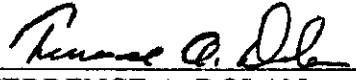
The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 22 (IDWR Basin 81)* on March 19, 1999. The Director recommended 81-10351 to the United States of America, Department of Agriculture, Forest Service, 550 W. Fort Street, MSC 033, Boise, Idaho 83724, for .02 cfs from Fivemile Creek for instream stockwater use in Idaho County from June 1 to November 30 with a priority date of May 1, 1897, based on beneficial use.

The United States filed an *Objection* on September 17, 1999, objecting to point of diversion and place of use. On September 5, 2002, the Special Master entered an *Order Granting Withdrawal of Objections and Responses* allowing objectors / respondents Bedke, *et al.*, to withdraw their objections and responses before responsive pleadings were filed. Finally, on December 17, 2002, the United States and IDWR filed an *Amended Claim Standard Form 5* agreeing to amended point of diversion and place of use.

Conclusions of Law

The United States of America is entitled to a partial decree adjudicating a water right as described in the *Amended Claim Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 81-10351*.

DATED January 29, 2003.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

2003 JAN 29 AM 11: 49

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PAGE 1
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2003 JAN 29 AM 11:49

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In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 81-10351

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

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

Robbin Hall
ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 81-10351

On January 29, 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 January 29, 2003.



ROBBIN HALL
Deputy Clerk