

2003 JUN 29 AM 11:49

IN RE 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**

)  
) **Subcase 81-10368**  
) **(USDI/FS)**  
)  
) **SPECIAL MASTER REPORT**

**Findings of Fact**

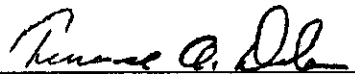
The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 22 (IDWR Basin 81)* on March 19, 1999. The Director recommended 81-10368 to the United States of America, Department of Agriculture, Forest Service, 550 W. Fort Street, MSC 033, Boise, Idaho 83724, for .02 cfs from Little Tinker Creek for instream stockwater use in Idaho County from June 1 to September 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 81-10368*.

DATED January 29, 2003.



TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

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**SPECIAL WASTE**

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\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 81-10368

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  
Deputy Clerk

CERTIFICATE OF MAILING

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Case No. 39576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 81-10368

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  
ROBBIN HALL  
Deputy Clerk