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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 37-10438
	)	

I. FINDINGS OF FACT

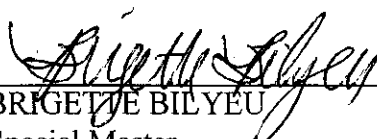
A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by United States Bureau of Land Management on September 10, 1999. An *Amended Director's Report* was filed on November 14, 2001. The United States Bureau of Land Management filed an *Objection* to the *Amended Director's Report* on December 24, 2001. The *Objection* to this water right was resolved with the filing of a *Standard Form 5* on April 19, 2002. All parties to the subcase and IDWR are signatories to the *Standard Form 5*. The *Standard Form 5* was placed on the Docket Sheet.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: June 6, 2002.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-10438

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NAME AND ADDRESS: PETER D VAN DER MEULEN
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HAILEY, ID 83333

JOHNSON WENDELL
PO BOX 66
RICHFIELD, ID 83349

MOLYNEUX WILLIAM L
027 DUFFEE RD
CAREY, ID 83320

MOLYNEUX C E
080 LAIDLAW PK RD
CAREY, ID 83320

MOLYNEUX JOHN I
10407 HWY 75
BELLEVUE, ID 83313

RICHFIELD CATTLE ASSOCIATION
1049 EAST 820 NORTH
RICHFIELD, ID 83349

HILL ROBERT F
12578 CENTRAL AVE
CHINO, CA 91710

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/11/1966

POINT OF DIVERSION: T03S R20E S34 SENW Within Lincoln County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	04-01 TO 11-01	0.04 CFS

PLACE OF USE: Stockwater Within Lincoln County
T03S R20E S34 SWNW

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).

RECOMMENDATION

JUN 06 2002

Allyette S. Lyman
SPECIAL MASTER

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

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WINTFALLS CO., IDAHO

In Re SRBA)
)
Case No. 39576)
)
)

Water Right(s) : 37-10438


JANET CONNELL
Deputy Clerk

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 37-10438

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 June 06, 2002, with sufficient first-class postage prepaid to the following:

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

CERTIFICATE OF MAILING

PAGE 1
06/06/02

A L CATTLE INC
BRUCE BEDKE
EUGENE MATHEWS
FLYING TRIANGLE INC
GARY POULTON
JARED BEDKE
JERRY HOAGLAND
JOE TUGAW
JOYCE LIVESTOCK
KARL (BUD) BEDKE
LUTHER GARDNER
MICHAEL POULTON
PICKETT RANCH & SHEEP CO.
RICHFIELD CATTLE ASSOCIATION
SCOTT BEDKE
SHOULDERS 3 RANCHES INC
WESTERN STOCK GROWERS ASSOC
WILLIS D & BETTY DEVENY

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
USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

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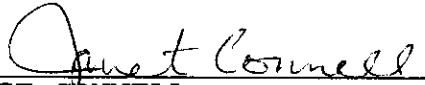
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Deputy Clerk