

Department of Water Resources

DISTRICT ATTORNEY - SRBA
TWIN FALLS CO., IDAHO
FILED 4

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

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

FOR WATER RIGHT 33-07225

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.¹

An *Objection* was filed on April 3, 2000 by Scott Bedke, Karl Bedke, Bruce Bedke, Jared Bedke, Joe Tugaw, Gary Poulton, Michael Poulton, Flying Triangle Inc., Willis D. & Betty DeVeney, Luther Gardner, Jerry Hoagland, Joyce Livestock Company, Western Stockgrowers Association, Eugene Mathews, Shoulders 3 Ranches, Inc. and A L Cattle Inc. (hereafter “Objectors”) No responsive pleading was filed to this objection. The “Objectors” filed a *Notice of Withdrawal of Objections* on August 29, 2002. There are no unresolved objections remaining in this subcase.

II. CONCLUSIONS OF LAW

The United States claimed this right under state law. There is no assertion that this right is based on a federal reservation. 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: October 16, 2002.

BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

1 The *Director's Report* for this right lists two purposes of use for which there is no place of use listed. Stockwater storage and wildlife storage have no listed place of use. This Special Master presumed the place of use for stockwater storage and wildlife storage is the same as that for stockwater from storage and wildlife from storage. The *Recommendation for Partial Decree* is based on this assumption.

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In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 33-07225

2002 OCT 16 PM 2:42
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 4

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709

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SOURCE: SPRING TRIBUTARY: SINKS

Department of Water Resources

QUANTITY: 0.20 AFY

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

PRIORITY DATE: 02/21/1968

POINT OF DIVERSION: T10N R24E S25 SESE Within Custer County

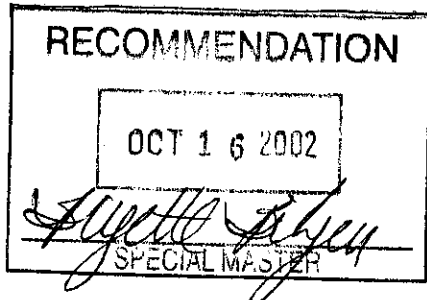
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater Storage	05-16 TO 11-30	0.20 AFY
	Stockwater from Storage	05-16 TO 11-30	0.20 AFY
	Wildlife Storage	01-01 TO 12-31	0.20 AFY
	Wildlife from Storage	01-01 TO 12-31	0.20 AFY

PLACE OF USE:	Stockwater Storage	Within Custer County
	T10N R24E S25 SESE	
	Stockwater from Storage	Within Custer County
	T10N R24E S25 SESE	
	Wildlife Storage	Within Custer County
	T10N R24E S25 SESE	
	Wildlife from Storage	Within Custer County
	T10N R24E S25 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).



WINDFALLS CO., IDAHO

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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) : 33-07225

On October 16, 2002, Special Master BRIGETTE BILYEU 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 October 16, 2002.

Janet Connell
JANET CONNELL
Deputy Clerk

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CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 33-07225

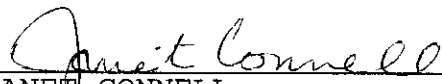
CERTIFICATE OF MAILING

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 October 16, 2002, with sufficient first-class postage prepaid to the following:

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

USDI BLM

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


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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