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DISTRICT COURT - 300
TWIN FALLS CO., IDAHO
FILED
DEC - 9 2004
DEPARTMENT OF
WATER RESOURCES

2004 DEC 8 PM 4 11

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 45-12530
Case No. 39576) (USDI/BLM)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Domestic and Stock, Reporting Area 10 (IDWR Basin 45)* on March 2, 1998. The Director recommended claim 45-12530 to the United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho, 83709-1657, for .02 cfs from North Carson Creek for year-'round instream stockwater use in Cassia County with a priority date of January 1, 1873, based on beneficial use.

On July 2, 1998, the State of Idaho filed an *Objection* alleging the water right should not exist. The same date, the United States filed an *Objection* to point of diversion. On April 7, 1999, Michael and Gary Poulton and Bruce and Jared Bedke filed *Motions to File Late Objections* in multiple subcases, including 45-12530, objecting to priority date, purpose of use and alleging the water rights should not exist.

On June 18, 1999, Jared Bedke filed a "revised objection list" excluding 45-12530. On July 6, 1999, Bruce Bedke filed the same "revised objection list." Finally, on July 9, 1999, the Poultons filed a *Notice of Basin 45 Subcase Objections* stating that their *Motions to File Late Objections* pertain only to certain subcases – not including 45-12530.

On December 1, 2004, the United States and the State, with IDWR's concurrence, filed a *Standard Form 5* agreeing to a June 28, 1934, priority date and amended points of diversion and places of use.

Conclusions of Law

The United States is entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 45-12530*.

DATED December 8, 2004.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-12530

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In Re SRBA)
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_____)

CERTIFICATE OF MAILING

Water Right(s): 45-12530

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 December 08, 2004, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

GARY RUSSELL POULTON
MICHAEL A. POULTON
Represented by:
NORMAN M. SEMANKO
ATTORNEY AT LAW
205 N 10TH ST, STE 530
BOISE, ID 83702
Phone: 208-344-6690

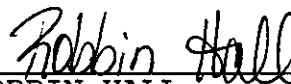
CERTIFICATE OF MAILING

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USDI BLM

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

BRUCE BEDKE
JARED BEDKE
42 EAST BASIN RD
OAKLEY, ID 83346
Phone: 208-862-3697



ROBBIN HALL
Deputy Clerk

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 45-12530

On December 08, 2004, 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 December 08, 2004.


ROBBIN HALL
Deputy Clerk