

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

2005 FEB 4 AM 10 27

In Re SRBA )  
 )  
Case No. 39576 )  
 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 45-12531

NAME AND ADDRESS: UNITED STATES OF AMERICA  
USDI BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

SOURCE: COW CREEK TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T12S R25E S14 NWNWSW (Instream Ending Point) Within Cassia County  
S24 SESWSW (Instream Beginning Point)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

| PLACE OF USE: | Stockwater    |      | Within Cassia County |
|---------------|---------------|------|----------------------|
|               | T12S R25E S14 | NWSW | SWSW                 |
|               |               | SESW |                      |
|               | S23           | NWNE | SWNE                 |
|               |               | SENE | NENW                 |
|               |               | NESE |                      |
|               | S24           | NWSW | SWSW                 |

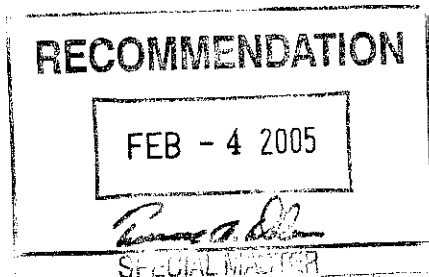
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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.



John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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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     | ) | Subcases 45-12507, 45-12531, 45-12533, |
|                | ) | 45-12673, 45-12674, 45-12685 and 45-   |
| Case No. 39576 | ) | 12717                                  |
|                | ) | (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 the above seven claims 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 various streams and creeks for year-'round instream stockwater use in Cassia County with a priority date of January 1, 1873, based on beneficial use.

The State of Idaho filed an *Objection* on July 2, 1998, alleging the water right should not exist. On April 7, 1999, Michael and Gary Poulton and Bruce and Jared Bedke filed *Motions to File Late Objections* in multiple subcases, including the above seven claims, objecting to priority date, purpose of use and alleging the water rights should not exist.

Jared Bedke filed a "revised objection list" on June 18, 1999, excluding the above seven claims. On July 6, 1999, Bruce Bedke filed the same "revised objection list." The Poultons filed a *Notice of Basin 45 Subcase Objections* listing only those subcases to which their *Motions to File Late Objections* pertain – the above seven claims were excluded. On December 30, 2004, the United States and the State, with IDWR's concurrence, filed *Standard Forms 5* agreeing to a June 28, 1934, priority date.

### Conclusions of Law

The United States is entitled to partial decrees adjudicating water rights for the above seven claims as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-12507, 45-12531, 45-12533, 45-12673, 45-12674, 45-12685 and 45-12717*.

DATED February 4, 2005.

  
TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 45-12507  
45-12531 45-12533 45-12673  
45-12674 45-12685 45-12717

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 February 04, 2005, 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

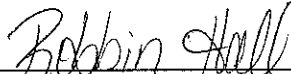
GARY RUSSELL POULTON  
MICHAEL A. POULTON  
Represented by:  
NORMAN M. SEMANKO  
ATTORNEY AT LAW  
205 N 10TH ST, STE 530  
BOISE, ID 83702  
Phone: 208-344-6690

CERTIFICATE OF MAILING

PAGE 1  
02/04/05

UNITED STATES OF AMERICA  
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): 45-12507  
45-12531 45-12533 45-12673  
45-12674 45-12685 45-12717

On February 04, 2005, 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 February 04, 2005.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk