

2005 FEB 4 AM 11 40

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 45-12532 and 45-12669
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 the above two 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 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 rights 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 two claims, objecting to priority date, purpose of use and alleging the water rights should not exist.

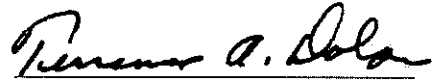
Jared Bedke filed a "revised objection list" on June 18, 1999, excluding the above two claims. On July 6, 1999, Bruce Bedke filed the same "revised objection list." The Poultons filed a *Notice of Basin 45 Subcase Objections* on July 9, 1999, listing only those subcases to which their *Motions to File Late Objections* pertain – the above two claims were excluded.

On December 30, 2004, the United States and the State, with IDWR's concurrence, filed *Amended Claim Standard Forms 5* in the above two subcases agreeing to a June 28, 1934, priority date and amending the points of diversion. No one objected to the amended claims.

Conclusions of Law

The United States is entitled to partial decrees adjudicating water rights for the above two claims as described in the *Amended Claim SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-12532 and 45-12669*.

DATED February 4, 2005.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

James A. [unclear]

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 45-12532
45-12669

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
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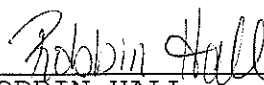
CERTIFICATE OF MAILING

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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
FILED _____

2005 FEB 4 AM 11 41

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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

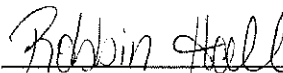
Water Right(s): 45-12532
45-12669

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

