

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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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 Department of Water Resources

In Re SRBA) Subcase 45-12679
Case No. 39576) Split Claims 45-13879 (USDI/BLM) &
) 45-13880 (Oakley Valley Stone, Inc.)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATIONS

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Stock & Domestic, Reporting Area 10 (Basin 45)* on March 2, 1998. The Director recommended claim 45-12679 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 an unnamed stream tributary to sinks for year-'round instream stockwater use in Cassia County with a priority date of January 1, 1873, based on beneficial use.

The United States filed an *Objection* on July 2, 1998, objecting to point of diversion and place of use. The same date, the State of Idaho filed an *Objection* alleging the water right should not exist. Michael and Gary Poulton and Bruce and Jared Bedke filed *Motions to File Late Objections* on April 7, 1999, objecting to priority date, purpose of use, and alleging the water right should not exist. Jared Bedke filed a *Late Objection Revised Subcase List* on June 18, 1999, omitting subcase 45-12679. Bruce Bedke filed his identical *Revised Subcase List* on July 6, 1999.

On January 13, 2005, the BLM, the State of Idaho and Oakley Valley Stone, Inc., P.O. Box 28, 225 W. Main, Oakley, Idaho, 83346, with IDWR concurrence, filed an *Amended Claim Standard Form 5* agreeing that claim 45-12679 be split into 45-13879 (USDI/BLM) and 45-13880 (Oakley Valley Stone, Inc.), both with a priority date of June 28, 1934, and that 45-12679 be disallowed. No one objected to the claims described in the *Amended Claim SF-5*.

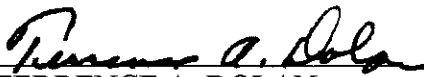
Conclusions of Law

1. Claim 45-12679 should be disallowed, the claim having been split into 45-13879 and 45-13880.
2. The USDI/BLM and the Oakley Valley Stone Company, Inc., are entitled to partial decrees adjudicating water rights as described in the *Amended Claim SF-5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-13879 (USDI/BLM) and 45-13880 (Oakley Valley Stone, Inc.)*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 45-12679 be **disallowed**.

DATED April 5, 2005.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

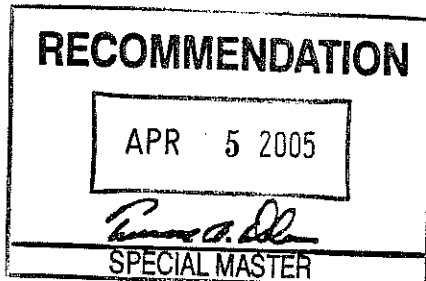
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RULE 54(b) CERTIFICATE

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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Water Right 45-13880

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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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 45-12679
45-13879 45-13880

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 April 05, 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

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04/05/05

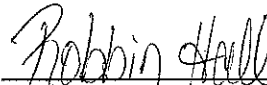
OAKLEY VALLEY STONE INC

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
TWIN FALLS, ID 83301-6167
Phone: 208-733-0700

UNITED STATES OF AMERICA
USDI BLM

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

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



ROBBIN HALL
Deputy Clerk

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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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

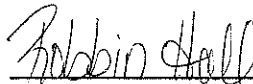
Water Right(s): 45-12679
45-13879 45-13880

On April 05, 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 April 05, 2005.



ROBBIN HALL
Deputy Clerk