

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

2005 DEC 14 AM 10 47

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 45-11020
Case No. 39576) (R. O. Jones & Sons, Inc., and Hawker)
)
) SPECIAL MASTER REPORT
)
_____)

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DEC 16 2005

DEPARTMENT OF
WATER RESOURCES

Findings of Fact

R. O. Jones & Sons, Inc., Matthew Bros. and Don K. Bedke filed a *Notice of Claim to a Water Right* on June 1, 1989, claiming .23 cfs from various creeks and springs for year-'round stockwater use in Cassia County with a priority date of April 1, 1979, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004. The Director recommended the claim as filed, but to R. O. Jones & Sons, Inc., P. O. Box 137, Almo, Idaho, 83312, and Craig S. Hawker, 2014 South, 50 East, Oakley, Idaho, 83346-8705, for .02 cfs from Blue Hill Creek, Emery Creek, Granite Creek, a spring and an unnamed stream.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on January 7, 2005, objecting to priority date, points of diversion, place of use and alleging the water right should not exist. On October 14, 2005, the claimants and the United States, with IDWR's concurrence, filed an *Amended Claim Standard Form 5* agreeing to amend the sources, points of diversion and places of use.

Conclusions of Law

R. O. Jones & Sons, Inc., and Craig S. Hawker are entitled to a partial decree adjudicating a water right under claim 45-11020 as described in the *Amended Claim SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 45-11020*.

DATED December 14, 2005.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath.

TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

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SECRET

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 45-11020

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 14, 2005, with sufficient first-class postage prepaid to the following:

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

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

R O JONES & SONS INC
PO BOX 137
ALMO, ID 83312
Phone: 208-824-5588

CERTIFICATE OF MAILING

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)
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Water Right(s): 45-11020

ROBBIN HALL
Deputy Clerk