

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 5 2006	
By _____	Clerk
_____	Deputy Clerk

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 45-2810 and 45-2810B
	) (State of Idaho, Department of Lands)
Case No. 39576	)
	) SPECIAL MASTER REPORT
_____	) AND RECOMMENDATION

Findings of Fact

The Idaho Department of Water Resources filed its *Director's Report, Domestic & Stock, Reporting Area 10 (IDWR Basin 45)* on March 2, 1998. The Director recommended that claim 45-2810 be disallowed, "claim incomplete," and listed the claimants as the United States of America, Department of Interior, Bureau of Land Management, Bruce Bedke and the State of Idaho, Department of Lands.

The United States filed an *Objection* on July 2, 1998, objecting to all elements and alleging the water right should be recommended to the United States for .01 cfs from Worthington Spring for year-round stockwater use in Cassia County with a priority date of August 16, 1963, based on a permit. The State filed an *Objection* the same date objecting to all elements and alleging the water right should instead be recommended to the State as 45-2810B with the same elements.

IDWR filed *Notices of Completed Administrative Proceeding* on October 8 and November 26, 2004, splitting 45-2810 into 45-2810A (USDI / BLM) and 45-2810B (State). On November 29, 2004, the State filed an *Objection* in subcase 45-2810B repeating its earlier allegations.

On November 10, 2005, the State, with IDWR's concurrence, filed an *Amended Claim Standard Form 5* agreeing that 45-2810B be decreed to the State of Idaho, Department of Lands, 954 W. Jefferson, P.O. Box 83720, Boise, Idaho, 83720-0050 for .01 cfs from Worthington

Spring for year-'round stockwater use in Cassia County with a priority date of August 16, 1963, based on a license. No one objected to amended claim 45-2810B.

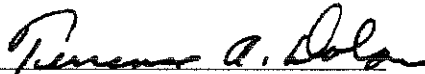
Conclusions of Law

The State of Idaho, Department of Lands is entitled to a partial decree adjudicating a water right for claim 45-2810B as described in the *Amended SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 45-2810B*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 45-2810 be **disallowed** having been split into 45-2810A and 45-2810B.

DATED January 5, 2006.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 5 2006

By _____ Clerk
Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 45-02810B

NAME AND ADDRESS: STATE OF IDAHO
DEPARTMENT OF LANDS
954 W JEFFERSON
PO BOX 83720
BOISE, ID 83720-0050

SOURCE: WORTHINGTON SPRING TRIBUTARY: SINKS

QUANTITY: 0.01 CFS

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED
DIVERSTION RATE OF 0.01 CFS.
COMBINED RIGHT NOS.: 45-2810A, 45-2810B, AND ANY OTHER RIGHT
DECREED FROM WORTHINGTON SPRING DIVERTED THROUGH THIS SYSTEM.

PRIORITY DATE: 08/16/1963

POINT OF DIVERSION: T16S R22E S33 NWENW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.01 CFS

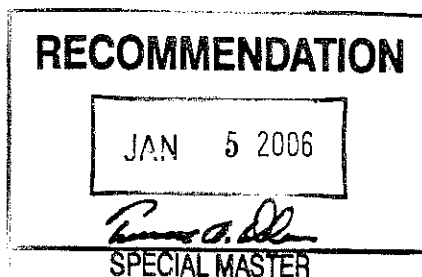
PLACE OF USE: Stockwater Within Cassia County
T16S R22E S33 NENW

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

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 5 2006

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

Clerk

Deputy Clerk

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

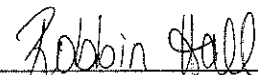
Water Right(s): 45-02810
45-02810B

On January 05, 2006, 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 January 05, 2006.



ROBBIN HALL
Deputy Clerk

DISTRICT COURT-SBBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 5 2006	
By _____	Clerk Deputy Clerk

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): 45-02810
45-02810B

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 January 05, 2006, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO, DEPT OF LANDS
Represented by:
DAVID J. BARBER
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

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

CERTIFICATE OF MAILING

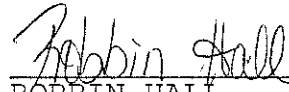
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USDI BLM

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

DEPT OF LANDS
DEPT. OF LANDS
1215 W STATE ST
BOISE, ID 83720-7000
Phone: 208-678-5514

BRUCE BEDKE
42 E 1975 SOUTH (BASIN RD)
OAKLEY, ID 83346
Phone: 208-862-3697



ROBBIN HALL
Deputy Clerk