

2006 MAY 9 PM 2 30

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 45-13483
	)	(USDI/BLM)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

On September 7, 12004 the Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10 (IDWR Basin 45)*. The Director recommended claim 45-13483 to the United States of America, Department of Interior, Bureau of Land Management, 1387 S. Vinnell Way, Boise, Idaho 83709-1657, for .02 cfs from a spring for year-'round stockwater use in Cassia County with a priority date of June 28, 1934, based on beneficial use. The Director also noted under priority date:

4/17/1926 Claimed under federal reserved water law.

This water right is also claimed based on federal law with an April 17, 1926, date of priority pursuant to an Executive Order signed the same date and known as Public Water Reserve 107.

On December 29, 2004, Scott Bedke filed an *Objection* to quantity and priority date. However, on February 24, 2006, the United States and Scott Bedke, Karl and Patricia Bedke and Michael Poulton, with IDWR's concurrence, filed a *Standard Form 5* with the following language:

The operation, use, and administration of this water right is also subject to the terms and conditions of the Stipulation and Joint Motion for Order Approving Stipulation entered into on August 29, 2002, between the United States of America and Western Stockgrowers Association et al., filed in the office of the Cassia County Recorder and recorded on June 6, 2003 as instrument no. 289179; the provisions of such Stipulation to apply fully to this water right.

The United States lodged the *Affidavit of Fredric W. Price* on April 24, 2006. An I.C. § 42-1411A evidentiary hearing was held on May 4, 2006. R. Lee Leininger appeared by telephone for the United States and Nicholas B. Spencer appeared by telephone for IDWR. The United States submitted the *Affidavits of Frederic W. Price*. Mr. Price, a water rights specialist in the BLM state office, stated that: the federal law basis of the claim is an Executive Order, dated April 17, 1926, and known as Public Water Reserve 107; the claim is located on unreserved federal public domain as of April 17, 1926; the land currently remains under U.S. Department of Interior administration; the claimed water source was confirmed by field investigation; there is sufficient surface water at the claimed site for consumptive use by livestock; the source is a spring or waterhole located at the claimed point of diversion; and the place of use is correctly described in the *Director's Report*.

Conclusions of Law

The United States is entitled to a partial decree adjudicating a federal reserved water right with a priority date of April 17, 1926, as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Federal Reserved Water Right 45-13483*.

DATED May 9, 2006.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

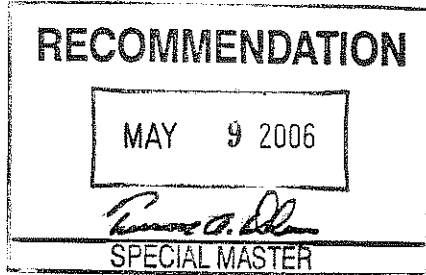
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2006 MAY 9 PM 2 30

PAGE 1
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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

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 45-13483

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 May 09, 2006, with sufficient first-class postage prepaid to the following:

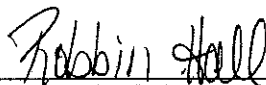
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

SCOTT BEDKE

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 BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657
Phone: 208-373-4000

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

PAGE 1
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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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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): 45-13483

On May 09, 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 May 09, 2006.



ROBBIN HALL
Deputy Clerk