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DEPARTMENT OF
WATER RESOURCES

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

2006 OCT 30 PM 4 05

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 45-12529, 45-12670, 45-12681 and
	)	45-12793 (USDI / BLM)
	)	
Case No. 39576	)	ORDER VACATING TRIAL SCHEDULE
_____	)	ORDER and SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Domestic & Stock, Reporting Area 10 (IDWR Basin 45)* on March 2, 1998. The Director recommended the above four 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 Lake Creek, Summit Station Creek, Summit Creek, Lunch Creek and unnamed streams for year-'round instream stockwater use in Cassia County, each with a priority date of January 1, 1873, based on beneficial use.

The State of Idaho filed *Objections* on July 2, 1998, alleging the water rights should not exist. The same date, the United States filed *Objections* to source, points of diversion and place of use. Michael and Gary Poulton filed *Motions to File Late Objections* on April 7, 1999, objecting to priority date and purpose of use. That same date, Bruce and Jared Bedke filed *Motions to File Late Objections* to priority date and purpose of use and alleging the water rights should not exist.

Jared Bedke filed his *Late Objection Revised Subcase List* on June 18, 1999, eliminating the above four claims. Michael and Gary Poulton filed their *Notice of Basin 45 Subcase Objections* on July 9, 1999, also eliminating the above four claims.

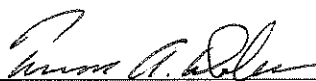
On December 1, 2004, the United States and the State, with IDWR's concurrence, filed *Amended Claim Standard Form 5's* in the above four subcases agreeing to amended sources, a priority date of June 28, 1934, amended points of diversion and amended places of use.¹

Jared Bedke filed *Objections* in the above four subcases on January 28, 2005, objecting to all elements and alleging the water rights should not exist. A *Trial Schedule Order* was entered on June 22, 2006, setting trial for February 26, 2007. On October 12, 2006, Jared Bedke filed a *Notice of Voluntary Dismissal of Objections* in the above four subcases.

Conclusions of Law

The United States is entitled to partial decrees adjudicating water rights under claims 45-12529, 45-12670, 45-12681 and 45-12793 as described in the December 1 and 30, 2004 *Amended Claim SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-12529, 45-12670, 45-12681 and 45-12793*.

DATED October 30, 2006.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

¹ An amended *Amended Claim Standard Form 5* was filed on December 30, 2004, in subcase 45-12529.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
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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

DISTRICT COURT - AREA
TWIN FALLS CO., IDAHO

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

2006 OCT 30 PM 4 05

Water Right 45-12681

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: LUNCH CREEK TRIBUTARY: SINKS
UNNAMED STREAM TRIBUTARY: LUNCH CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T12S R24E S09 SWNNW (Instream Ending Point) Within Cassia County
SENWSW (Instream Beginning Point)
NENWSW (Instream Ending Point)
SWSWSE (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Cassia County
	T12S R24E S09	NWNW NESW SESW
		SWNW NWSW SWSE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

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ALL DISTRICT OF THE
OF TWIN FALLS
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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

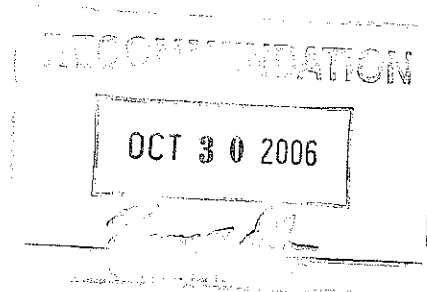
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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

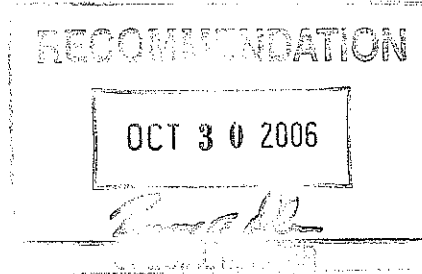
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER VACATING TRIAL SCHEDULE AND SPECIAL MASTER REPORT was mailed on October 30, 2006, with sufficient first-class postage to the following:

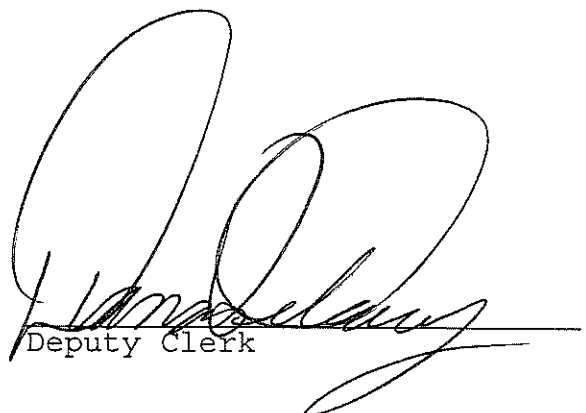
GARY RUSSELL POULTON
MICHAEL A. POULTON
Represented by:
NORMAN M. SEMANKO
IDAHO WATER USERS ASSOCIATION
1010 W JEFFERSON ST, STE 101
BOISE, ID 83702
Phone: 208-344-6690

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

JARED BEDKE
C/O 42 EAST BASIN RD
OAKLEY, ID 83346
Phone: 208-862-9288

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

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



Deputy Clerk