

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 )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 47-16460

NAME AND ADDRESS: UNITED STATES OF AMERICA  
USDA FOREST SERVICE  
550 W FORT ST, MSC 033  
BOISE, ID 83724

SOURCE: HUMPHREY SPRING TRIBUTARY: LITTLE PINEY CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/12/1905

POINT OF DIVERSION: T16S R19E S04 NESW Within Cassia County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 05-01 TO 11-30 | 0.02 CFS |

PLACE OF USE: Stockwater Within Cassia County  
T16S R19E S04 NESW

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

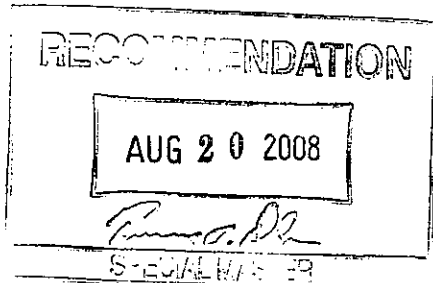
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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



RECEIVED

AUG 21 2008

DEPARTMENT OF  
WATER RESOURCES

2008 AUG 20 AM 10:06

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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 47-16433, *et al.*  
Case No. 39576 ) (see list of 26 subcases attached)  
 ) (USDA / FS)  
 )  
 ) 2<sup>nd</sup> SPECIAL MASTER REPORT

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**Findings of Fact**

The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 12 (IDWR Basin 47)* on August 14, 1998. The Director recommended the above 26 claims to the United States of America, Department of Agriculture, Forest Service, 550 W. Fort Street, MSC 033, Boise, Idaho, 83724, for .02 cfs or .04 cfs from various creeks, springs and a gulch for stockwater use in Cassia County with various periods of use with a priority date of May 1 or June 1, 1875, based on beneficial use.

Scott C. Bedke filed *Motions to File Late Objections* on April 28, 1999, alleging the water rights should not exist. Bruce and Jared Bedke filed the same *Motions* on June 4, 1999, and Michael and Gary Poulton filed theirs on June 7, 1999.

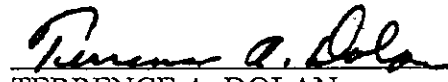
On June 20, 2003, Scott Bedke and the Poultons were granted leave to withdraw their *Motions* and on July 3, 2003, the Bedkes' *Motions* were denied. On January 12, 2004, a *Special Master Report and Recommendations* was entered in the 26 subcases recommending the claims as recommended by IDWR, subject to the parties' August 29, 2002 *Stipulation* in which the private parties would receive senior stockwater rights.

Presiding Judge John M. Melanson reversed that decision on March 22, 2005, and recommitted the matter to the Special Master. Finally, on August 21, 2007, the Bedkes' *Objections* were dismissed based on the parties' August 9, 2007 *Stipulation of Dismissal of Objections*.

### Conclusions of Law

The United States is entitled to partial decrees adjudicating water rights for the above 26 claims as recommended by IDWR, subject to the August 29, 2002 *Stipulation*, and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights*.

DATED August 20, 2008.

  
TERRENCE A. DOLAN  
Special master  
Snake River Basin Adjudication

2008 AUG 20 AM 10:06

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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): 47-16433  
(SEE ATTACHED EXHIBIT A)

CERTIFICATE OF MAILING

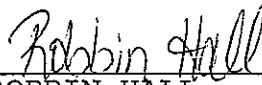
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 20, 2008, with sufficient first-class postage prepaid to the following:

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

GARY R POULTON  
MICHAEL A POULTON  
SCOTT C. BEDKE  
Represented by:  
TRAVIS L THOMPSON  
113 MAIN AVE W, STE 303  
PO BOX 485  
TWIN FALLS, ID 83303-0485  
Phone: 208-733-0700

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

CERTIFICATE OF MAILING

  
ROBBIN HALL  
Deputy Clerk

PAGE 1  
08/20/08

Exhibit A

Subcase Nos:

47-16433  
47-16434  
47-16435  
47-16437  
47-16438  
47-16440  
47-16441  
47-16442  
47-16443  
47-16444  
47-16445  
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47-16470  
47-16471  
47-16474

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DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
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In Re SRBA )  
 )  
Case No. 39576 )  
 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 47-16433  
(SEE ATTACHED EXHIBIT A)

On August 20, 2008, 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 August 20, 2008.

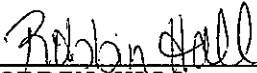
  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

Exhibit A

Subcase Nos:

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