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 45-12672

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

SOURCE: UNNAMED STREAM TRIBUTARY: DRY 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 R19E S22	NWSWNE	(Instream Beginning Point) Within Cassia County
	SWSESE	(Instream Ending Point)
S24	SWSWNW	(Instream Ending Point)
S25	SWSENW	(Instream Ending Point)
	SWSESW	(Instream Beginning Point)
	SESWSE	(Instream Beginning Point)
S26	SESENW	(Instream Ending Point)
S27	NESWNW	(Instream Beginning Point)
	SESWSW	(Instream Ending Point)
S28	SENWSE	(Instream Beginning Point)
S34	NWSENW	(Instream Beginning Point)
	NWSENW	(Instream Ending Point)
S35	NWNWNW	(Instream Ending Point)
	SESESE	(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 R19E S22	SWNE	NWSE
	SWSE	SESE
S24	SWNW	SENW
	NESW	SWSW
	SESW	
S25	NENW	SENW
	NESW	SESW
	NWSE	SWSE
S26	NWNW	SWNW
	SENW	
S27	NENE	NWNE
	NENW	SWNW
	SENW	NWSW
	SWSW	
S28	NESE	NWSE
S34	SENW	
S35	SWNE	NENW
	NWNW	SENW
	NESE	NWSE
	SESE	

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

OTHER PROVISIONS (continued)

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.

RECOMMENDATION

NOV 12 2008

SPECIAL MASTER

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

RECEIVED
NOV 13 2008
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
NOV 12 2008
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 45-12526, 45-12557,**
	)	**45-12561, 45-12672, 45-12678, 45-12689,**
Case No. 39576	)	**45-12690, 45-12779 and 45-12795**
	)	**(USDI / BLM)**
	)	
_____	)	**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 nine 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 various creeks and streams for year-'round stockwater use in Cassia County 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 United States filed *Objections* the same date objecting to source, points of diversion and places of use.

On August 8, 2008, the United States and the State, with IDWR's concurrence, filed *Amended Claim Standard Forms 5* agreeing to amended sources, points of diversion and places of use and all with a priority date of June 28, 1934. No one objected to the amended claims.

Conclusions of Law

The United States is entitled to partial decrees adjudicating water rights as described in the *Amended Claim SF-5's* and the attached ***Special Master***

Recommendations for Partial Decrees for Water Rights 45-12526, 45-12557, 45-12561, 45-12672, 45-12678, 45-12689, 45-12690, 45-12779 and 45-12795.

DATED November 12, 2008

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
NOV 12 2008
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)	CERTIFICATE OF MAILING
)	
Case No. 39576)	
)	Water Right(s): 45-12526 45-12557 45-12561 45-12672 45-12678 45-12689 45-12690 45-12779 45-12795

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 November 12, 2008, with sufficient first-class postage prepaid to the following:

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

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

GARY RUSSELL POULTON
JOE TUGAW
MICHAEL A POULTON
MICHAEL A. POULTON
PICKETT RANCH & SHEEP COMPANY
SCOTT BEDKE
  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
42 E BASIN RD
OAKLEY, ID 83346
Phone: 208-862-3679

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

Robbin Hall
ROBBIN HALL
Deputy Clerk

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
NOV 12 2008
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	)	NOTICE OF ISSUANCE OF SPECIAL MASTER'S RECOMMENDATION
Case No. 39576	)	
	)	Water Right(s): 45-12526 45-12557 45-12561 45-12672 45-12678 45-12689 45-12690 45-12779 45-12795

On November 12, 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 November 12, 2008.

Robbin Hall
ROBBIN HALL
Deputy Clerk