

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 45-12690

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

SOURCE: UNNAMED STREAM TRIBUTARY: BLUE HILL 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: T16S R22E S20 SWNWNE (Instream Beginning Point) Within Cassia County  
SWNWNE (Instream Ending Point)  
NWNESE (Instream Ending Point)  
NENWSE (Instream Beginning Point)  
NWNWSE (Instream Ending Point)  
NESESE (Instream Beginning Point)  
S26 NWNWSW (Instream Beginning Point)  
S27 NESWNE (Instream Beginning Point)  
SWSWNE (Instream Ending Point)  
NENESE (Instream Ending Point)  
S28 SENENE (Instream Beginning Point)  
SENENE (Instream Ending Point)  
SWNESE (Instream Beginning Point)  
SENWNE (Instream Ending Point)  
NWNWNW (Instream Ending Point)  
SESENW (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  
T16S R22E S20 NWNE NESE  
NWSE SESE  
S26 NWSW  
S27 SWNE NESE  
S28 NENE NWNE  
NWNW SWNW  
SENW

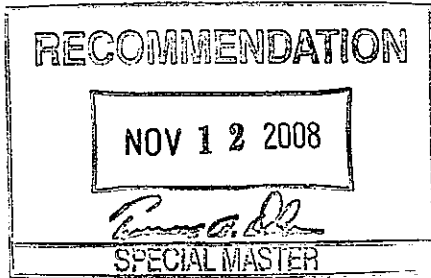
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.



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

RECEIVED

NOV 13 2008

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>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.

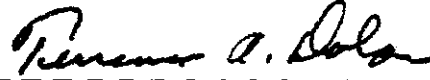
On August 8, 2008, the United States and the State, with IDWR's concurrence, filed *Amended Claim Standard Forms 5* agreeing to amended sources, points of diversion and places of use and all with a priority date of June 28, 1934. No one objected to the amended claims.

**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

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath.

TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

|                                                                                         |             |
|-----------------------------------------------------------------------------------------|-------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>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 )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

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

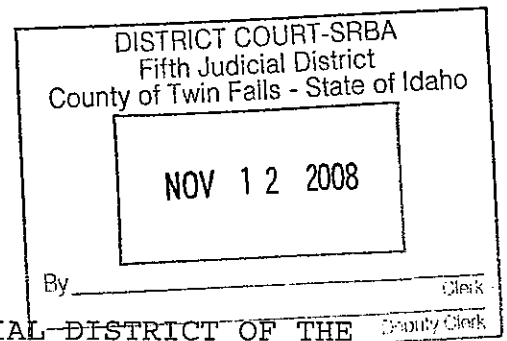
UNITED STATES OF AMERICA  
USDI BLM

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  
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  
\_\_\_\_\_

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

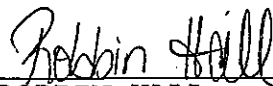
Water Right(s): 45-12526  
45-12557 45-12561 45-12672  
45-12678 45-12689 45-12690  
45-12779 45-12795

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  
Deputy Clerk