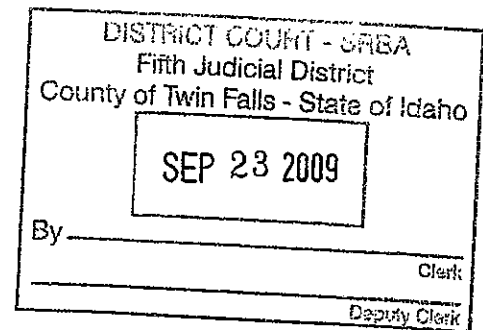


RECEIVED
SEP 25 2009
DEPARTMENT OF
WATER RESOURCES



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

)
) Subcases 45-2789, 45-12468
) and 45-12675 (USDI/BLM)

)
) ORDER GRANTING MOTION TO ALTER OR
) AMEND and AMENDED 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, Volume Three (IDWR Basin 45)* on March 2, 1998. The Director recommended the above three (3) 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 1 afy (45-2789) and .02 cfs from Owens Corral Creek, Medley Creek, Little Cottonwood Creek, Trapper Creek and Mountain Meadow Creek for year-'round stockwater storage and stockwater from storage uses and year-'round stockwater use with priority dates of July 24, 1957, or June 28, 1934, based on a license or beneficial use.

The State of Idaho and the United States filed *Objections* on July 2, 1998. Bruce and Jared Bedke were granted leave to file late *Objections* on July 13, 1998, and Scott Bedke filed an *Objection* a week later. The State's *Objections* were dismissed on April 21, 2003, and on August 21, 2007, the Bedkes' *Objections* were dismissed based on a *Stipulation*. On December 8, 2008, and March 19, 2009, the United States, with IDWR's concurrence, filed *Standard Forms 5*.

The Special Master entered a *Report* on August 17, 2009, but on September 8, 2009, objectors Michael Poulton, Pickett Ranch & Sheep Co., and Joe Tugaw filed a *Motion to Alter or Amend* in subcase 45-12468. The objectors noted that because the *Standard Form 5* in subcase 45-12468 omitted a necessary remark regarding the August 29, 2002 "Stockwater Settlement", the *Report* omitted the remark in the attached *Recommendation* of 45-12468. The remark was included in the attached *Recommendations* of 45-2789 and 45-12675. The United States does not oppose the *Motion to Alter or Amend* to include the remark in an *Amended Special Master Recommendation for Partial Decree for Water Right 45-12468*.

Order

THEREFORE, IT IS ORDERED that the *Motion to Alter or Amend* is **granted**.

Conclusions of Law

The United States is entitled to partial decrees adjudicating water rights as described in the *SF-5's*, the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-2789 and 45-12675* and the attached *Amended Special Master Recommendation for Partial Decree for Water Right 45-12468*.

DATED September 23, 2009.



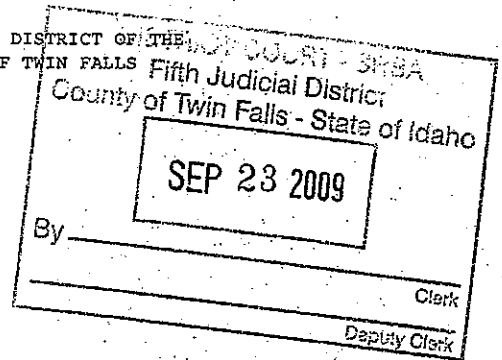
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)

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

Water Right 45-02789



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

SOURCE: OWENS CORRAL CREEK TRIBUTARY: SINKS

QUANTITY: 1.00 AFY

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

PRIORITY DATE: 07/24/1957

POINT OF DIVERSION: T15S R21E S15 NWSW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater Storage	01-01 TO 12-31	1.00 AFY
	Stockwater from Storage	01-01 TO 12-31	1.00 AFY

PLACE OF USE:	Stockwater Storage	Within Cassia County
	T15S R21E S15 SWSW	
	Stockwater from Storage	Within Cassia County
	T15S R21E S15 SWSW	

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

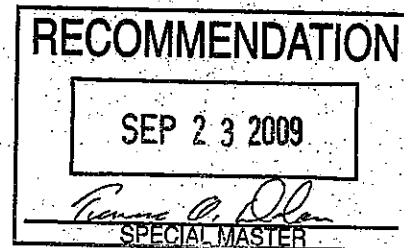
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 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.

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



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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-12468

District Court Fifth Judicial District County of Twin Falls - State of Idaho
SEP 23 2009
By _____ Clerk
Deputy Clerk

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

SOURCE: MEDLEY CREEK 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 S24 NWNENW (Instream Ending Point) Within Cassia County
R20E S31 SWSESE (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 S24	SENW
		NESW
		SWSE
		SESE
	S25	NENE
	R20E S30 LOT 1	(NWNW) LOT 2 (SWNW)
	LOT 3	(NWSW) LOT 4 (SWSW)
	S31	NENW LOT 1 (NWNW)
		SENW
		NESW
		NWSE
		SESE

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

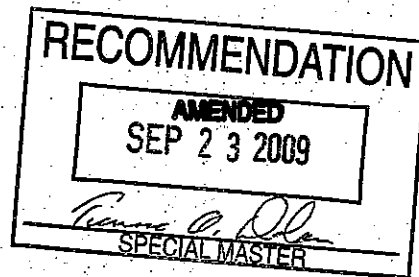
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS
ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND
JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON
AUGUST 29, 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.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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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).

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

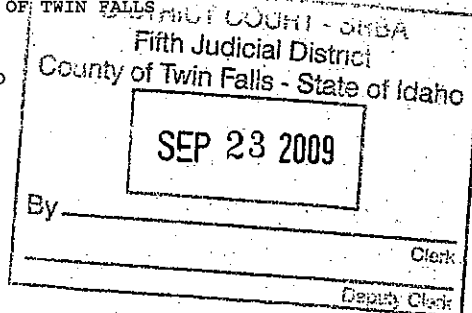


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

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

Water Right 45-12675



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

SOURCE: MOUNTAIN MEADOW CREEK TRIBUTARY: SINKS

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 R20E S15 LOT 4 (NENESE) (Instream Ending Point) Within Cassia County
S21 NWNESE (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 R20E S15	SESW LOT 4 (NWSE)
	LOT 5 (SWSE)	
	S21 SENE	NESE
	S22 NENW	NWNW
	S22 SNNW	

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

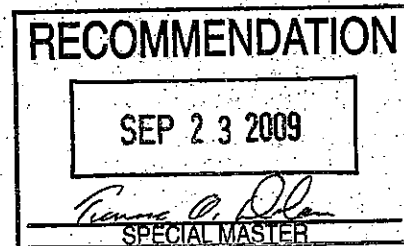
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS
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JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON
AUGUST 29, 2002 BETWEEN 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
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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 GRANTING MOTION TO ALTER OR AMEND AND AMENDED SPECIAL MASTER REPORT was mailed on September 23, 2009, with sufficient first-class postage to the following:

GARY RUSSELL POULTON
JOE TUGAW
MICHAEL A POULTON
PICKETT RANCH & SHEEP COMPANY
SCOTT 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
USDI BLM

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

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

