

**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)	Subcase 45-13483
)	(USDI/BLM)
Case No. 39576)	
)	SPECIAL MASTER REPORT
_____)	

Findings of Fact

On September 7, 2004 the Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10 (IDWR Basin 45)*. The Director recommended claim 45-13483 to the United States of America, Department of Interior, Bureau of Land Management, 1387 S. Vinnell Way, Boise, Idaho 83709-1657, for .02 cfs from a spring for year-round stockwater use in Cassia County with a priority date of June 28, 1934, based on beneficial use. The Director also noted under priority date:

4/17/1926 Claimed under federal reserved water law.
This water right is also claimed based on federal law with an April 17, 1926, date of priority pursuant to an Executive Order signed the same date and known as Public Water Reserve 107.

On December 29, 2004, Scott Bedke filed an *Objection* to quantity and priority date. However, on February 24, 2006, the United States and Scott Bedke, Karl and Patricia Bedke and Michael Poulton, with IDWR's concurrence, filed a *Standard Form 5* with the following language:

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.

The United States lodged the *Affidavit of Fredric W. Price* on April 24, 2006. An I.C. § 42-1411A evidentiary hearing was held on May 4, 2006. R. Lee Leininger appeared by telephone for the United States and Nicholas B. Spencer appeared by telephone for IDWR. The United States submitted the *Affidavits of Frederic W. Price*. Mr. Price, a water rights specialist in the BLM state office, stated that: the federal law basis of the claim is an Executive Order, dated April 17, 1926, and known as Public Water Reserve 107; the claim is located on unreserved federal public domain as of April 17, 1926; the land currently remains under U.S. Department of Interior administration; the claimed water source was confirmed by field investigation; there is sufficient surface water at the claimed site for consumptive use by livestock; the source is a spring or waterhole located at the claimed point of diversion; and the place of use is correctly described in the *Director's Report*.

Conclusions of Law

The United States is entitled to a partial decree adjudicating a federal reserved water right with a priority date of April 17, 1926, as described in the *SF-5* and the attached ***Special Master Recommendation for Partial Decree for Federal Reserved Water Right 45-13483***.

DATED May 9, 2006.

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication