

2004 MAY 6 PM 1 51

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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT: 65-3110
	)	

I. FINDINGS OF FACT

A notice of claim was filed for the above listed water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On June 9, 2000, the United States of America, Bureau of Reclamation filed a *Motion to File Late Objections* in multiple subcases. The Motion was granted on July 28, 2000. The objections were filed to "General Provisions Basin 65 Irrigation & Other Part II (3) Separate Streams Administration." Subsequently, a *Standard Form 5* was filed in the above listed subcase on September 20, 2002.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that the above listed water right be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 6, 2004.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA
OF THE
TWIN FALLS CO., IDAHO
FILED 29

In Re SRBA

Case No. 39576

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

2004 MAY 6 PM 1 51

Water Right 65-03110

NAME AND ADDRESS: E K ALLEN RANCHES INC
11217 HWY 55
CASCADE, ID 83611

SOURCE: SHIRTS LAKE TRIBUTARY: WILLOW CREEK

QUANTITY: 100.00 AFY

PRIORITY DATE: 08/01/1931

POINT OF DIVERSION:	T13N R03E S10	NESE	(Rediversion)	Within Valley County
	S11	NESW	(Rediversion)	
	S17	NESE		

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	10-15 TO 05-01	100.00 AFY
	Irrigation from Storage	04-15 TO 10-15	100.00 AFY
	Stockwater Storage	10-15 TO 05-01	12.00 AFY
	Stockwater from Storage	01-01 TO 12-31	12.00 AFY

PLACE OF USE: Irrigation Storage Within Valley County
 Same as Irrigation from Storage

Irrigation from Storage		Within Valley County
T13N R03E S02	SWSW 17.0	SESW 9.0
S11	NWNE 10.0	SWNE 20.0
	NWNW 39.0	SWNW 33.0
	SESW 38.0	NESW 39.0
	NWSW 24.0	NESE 37.0
	NWSE 37.0	

303.0 Acres Total

Stockwater Storage	Within Valley County
Same as Stockwater from Storage	

Stockwater from Storage		Within Valley County
T13N R03E S02	SWSW	SESW
S11	NWNE	SWNE
	NWNW	SWNW
	SENW	NESW
	NWSW	NESE
	NWSE	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 348 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-03105X, 65-03108X, 65-03109 & 65-11232.

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

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

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a

OTHER PROVISIONS (continued)

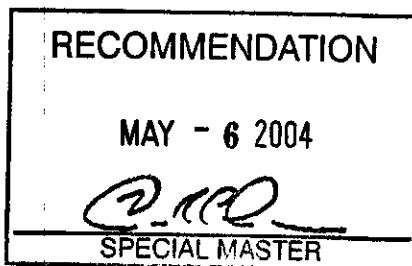
separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code Section 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

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



2004 MAY 6 PM 1 51

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PAGE 1
05/06/04

E K ALLEN RANCHES INC
11217 HWY 55
CASCADE, ID 83611
Phone: 208-382-4122


DEBBIE LASH
Deputy Clerk

2004 MAY 6 PM 1 51

In Re SRBA
Case No. 39576

Water Right(s) : 65-03110


DEBBIE LASH
Deputy Clerk