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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

**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

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)
)
)

**Subcases 51-00134 and 51-00135
(Aslett Ranches Partnership)**

**AMENDED SPECIAL
MASTER REPORT**

Findings of Fact

Swan Land & Livestock Company filed a *Notice of Claim to a Water Right* on January 11, 1989, under claim 51-00134 claiming 4.6 cfs from Deadwood Creek for irrigation of 323 acres from April 1 to November 1 with a priority date of August 25, 1908, based on 2 decrees. The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation and Other Uses, Reporting Area 6, Volume One (IDWR Basin 51)* on November 24, 1998. The Director recommended claim 51-00134 for 2.3 cfs to irrigate 202.8 acres from April 1 to October 31.

Swan Land & Livestock filed another *Notice of Claim to a Water Right* on September 7, 1993, under claim 51-00135 claiming 1.9 cfs from Deadwood Creek for year-round stockwater and for irrigation of 323 acres from April 1 to November 1 with a priority date of August 25, 1908, based on a decree. The Director recommended claim 51-00135 as filed, but for irrigation 202.8 acres from April 1 to October 31.

The United States of America, Department of Interior, Bureau of Land Management, filed *Objections* on March 31, 1999, objecting to place of use. The same date, Cedar Mesa Reservoir & Canal Company filed *Objections* to period of year.

IDWR filed a *Notice of Completed Administrative Proceeding (NCAP)* in subcases 51-00134 and 51-00135 on August 30, 2000, for a substitution of party from Swan Land & Livestock Company to Aslett Ranches Partnership, P.O. Box B, Twin Falls, Idaho 83303-0015. IDWR filed another *NCAP* in subcases 51-00134 and 51-

00135 on October 18, 2001, for changes in the place of use, period of use and “other – tributary, remarks, & conditions.”

On October 31, 2001, the Special Master entered an *Order Granting Motion to Dismiss Objections* in subcases 51-00134 and 51-00135 dismissing the United States *Objections*. IDWR filed an *Amended NCAP* in subcases 51-00134 and 51-00135 on October 31, 2001, for “other – stipulation, period of use.”

On October 31, 2001, Aslett Ranches, Cedar Mesa and IDWR filed a *Stipulation to Resolve Objections to Season of Use* in subcases 51-00134, 51-00135, 51-00137 and 51-00138. The parties agreed, *inter alia*, the irrigation season for 51-00134 and 51-00135 will be April 23 to October 1. Finally, on June 10, 2002, Aslett Ranches, Cedar Mesa and IDWR filed *Standard Forms 5* in subcases 51-00134 and 51-00135.

On June 24, 2002, the Special Master entered a *Special Master Report and Recommendations* in subcases 51-00134 and 51-00135. However, on July 5, 2002, Aslett Ranches filed a *Motion to Correct Clerical Error* seeking to make changes which are “strictly clerical in nature” to the *Special Master Recommendations* for 51-00134. The attached *Amended Recommendations* correct the clerical errors in the place of use described in the *Standard Form 5*.

Conclusions of Law

Aslett Ranches Partnership is entitled to partial decrees adjudicating water rights under claims 51-00134 and 51-00135 as recommended by IDWR and as described in the attached *Amended Special Master Recommendations for Partial Decrees for Water Rights 51-00134 and 51-00135*.

DATED July 16, 2002.



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 51-00134

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

NAME AND ADDRESS: ASLETT RANCHES PARTNERSHIP
P O BOX B
TWIN FALLS, ID 83303-0015

SOURCE: DEADWOOD CREEK TRIBUTARY: BRUNEAU RIVER

QUANTITY: 2.30 CFS
709.80 AFY

USE OF THIS RIGHT WHEN COMBINED WITH 51-135 SHALL NOT EXCEED
A TOTAL DIVERSION RATE OF 4.06 CFS, A TOTAL ANNUAL MAXIMUM
DIVERSION VOLUME OF 715.2 AF AT THE FIELD HEADGATE, AND
IRRIGATION OF 202.8 ACRES.

PRIORITY DATE: 08/25/1908

POINT OF DIVERSION: T15S R12E S32 SENESW (Rediversion) Within Owyhee County
T16S R12E S04 NWSESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-23 TO 10-01	2.30 CFS 709.80 AFY

PLACE OF USE:	Irrigation	Within Owyhee County
	T15S R12E S29 NWSW 7.9	SWSW 27.9
	S30 SESE 16.3	
	S32 NENW 15.4	NWNW 12.1
	SWNW 16.6	SENW 22.0
	NESW 11.1	SESW 19.0
	SWSE 28.3	
	T16S R12E S05 NENE 8.1	NWNE 18.0
	SENE 0.1	
	202.8 Acres Total	

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 240.2 ACRES IN A SINGLE
IRRIGATION SEASON.

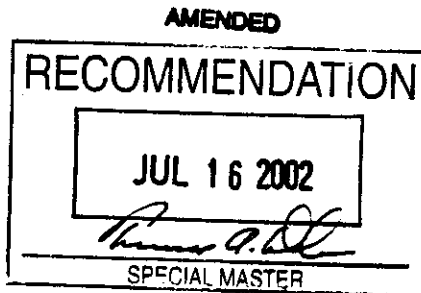
COMBINED RIGHT NOS.: 51-00135 & 51-02442.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF 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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 51-00134
51-00135

On July 16, 2002, 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 July 16, 2002.


LETTIE MESSICK
Deputy Clerk

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In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 51-00134
51-00135

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 July 16, 2002, with sufficient first-class postage prepaid to the following:

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

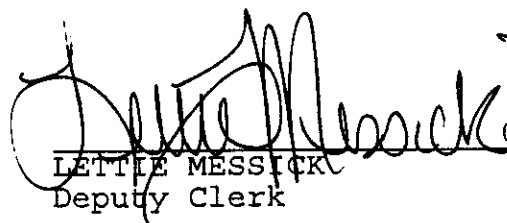
CEDAR MESA RESERVOIR & CANAL

Represented by:
JOHN R COLEMAN
PO BOX 525
TWIN FALLS, ID 83303
Phone: 208-734-1224

ASLETT RANCHES PARTNERSHIP

Represented by:
SCOTT L. CAMPBELL
101 S CAPITOL BLVD, 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

CERTIFICATE OF MAILING


PAGE 1
07/16/02
LETTIE MESSICK
Deputy Clerk