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JUN 25 2002

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Department of Water Resources

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     | ) | Subcases 51-00137 and 51-00138     |
|                | ) | (Cedar Mesa Reservoir & Canal Co.) |
| Case No. 39576 | ) |                                    |
| _____          | ) | SPECIAL MASTER REPORT              |

**Findings of Fact**

Cedar Mesa Reservoir & Canal Company, P.O. Box 525, Twin Falls, Idaho 83303-0525, filed *Notices of Claims to Water Rights* on September 2, 1998, claiming 6,000 acre feet per year (51-00137) and 3,000 acre feet per year (51-00138) of water from Deadwood Creek for irrigation storage from October 1 to May 15 with a priority date of January 29, 1915 (51-00137) and November 19, 1915 (51-00138), both based on a decree.

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 both claims as filed, plus an additional use of irrigation from storage from April 1 to October 31.

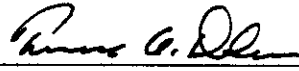
Randall Brewer, Devil Creek Ranch, filed *Objections* on March 31, 1999, objecting to period of year. On October 31, 2001, Cedar Mesa, participant Aslett Ranches Partnership and IDWR filed a *Stipulation to Resolve Objections to Season of Use* in subcases 51-00134, 51-00135, 51-00137 and 51-00138. The parties agreed, *inter alia*, the "irrigation from storage" season of use for 51-00137 and 51-00138 will be April 23 to October 1. On June 10, 2002, Cedar Mesa, Aslett Ranches, Devil Creek Ranch, Inc. and IDWR filed *Standard Forms 5* in subcases 51-00137 and 51-00138.

**Conclusions of Law**

Cedar Mesa Reservoir & Canal Company is entitled to partial decrees adjudicating water rights under claims 51-00137 and 51-00138 as described in the

*Standard Forms 5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 51-00137 and 51-00138*.

DATED June 24, 2002.



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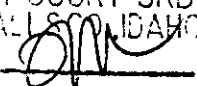
TERRENCE A. DOLAN

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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 51-00137

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DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
FILED 

NAME AND ADDRESS: CEDAR MESA RESERVOIR & CANAL C  
PO BOX 525  
TWIN FALLS, ID 83303-0525

SOURCE: DEADWOOD CREEK TRIBUTARY: CLOVER CREEK  
  
POINTS OF INJECTION INTO DEVIL CREEK, HOUSE CREEK, AND CEDAR  
CREEK.  
POINT OF REDIVERSION FROM DEVIL CREEK AND CEDAR CREEK.

QUANTITY: 6000.00 AFY

PRIORITY DATE: 01/29/1915

|                     |               |      |                      |                          |
|---------------------|---------------|------|----------------------|--------------------------|
| POINT OF DIVERSION: | T13S R14E S29 | NWSE | (Rediversion)        | Within Twin Falls County |
|                     | T14S R13E S12 | SWNE | (Rediversion)        |                          |
|                     | S22           | SWNE | (Injection)          |                          |
|                     | T15S R12E S12 | NWNW | (Injection)          |                          |
|                     | S22           | NWNE | (Injection)          |                          |
|                     |               | NWNE | (Rediversion)        |                          |
|                     | S28           | NESW | Within Owyhee County |                          |

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY    |
|-------------------------------|-------------------------|----------------|-------------|
|                               | Irrigation Storage      | 10-01 TO 05-15 | 6000.00 AFY |
|                               | Irrigation from Storage | 04-23 TO 10-01 | 6000.00 AFY |

PLACE OF USE:  
  
USE OF THIS RIGHT WITH RIGHT NO. 51-00138 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 5000 ACRES WITHIN THE  
BOUNDARIES OF THE CEDAR MESA RESERVOIR & CANAL COMPANY IN A  
SINGLE IRRIGATION SEASON.

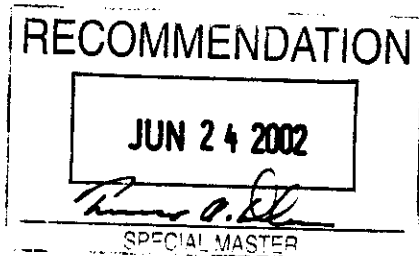
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

AS THIS RIGHT AND RIGHT NO. 51-138, RECOMMENDED TO CEDAR MESA  
RESERVOIR AND CANAL CO. RELATE TO RIGHT NO. 51-132, RECOMMENDED  
TO DEVIL CREEK RANCH INC, THE IRRIGATION SEASON OF USE FOR 3.0  
CFS UNDER RIGHT NO. 51-132 SHALL BEGIN APRIL 15TH AND END OCTOBER  
15TH FOR EACH IRRIGATION SEASON.

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

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 51-00138

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TWIN FALLS, IDAHO  
FILED 

NAME AND ADDRESS: CEDAR MESA RESERVOIR & CANAL C  
PO BOX 525  
TWIN FALLS, ID 83303-0525

SOURCE: DEADWOOD CREEK TRIBUTARY: CLOVER CREEK  
  
POINTS OF INJECTION INTO DEVIL CREEK, HOUSE CREEK, AND CEDAR  
CREEK, POINTS OF REDIVERSION FROM DEVIL CREEK AND CEDAR CREEK.

QUANTITY: 3000.00 AFY

PRIORITY DATE: 11/19/1915

|                     |               |      |                      |                          |
|---------------------|---------------|------|----------------------|--------------------------|
| POINT OF DIVERSION: | T13S R14E S29 | NWSE | (Rediversion)        | Within Twin Falls County |
|                     | T14S R13E S12 | SWNE | (Rediversion)        |                          |
|                     | S22           | SWNE | (Injection)          |                          |
|                     | T15S R12E S12 | NWNW | (Injection)          |                          |
|                     | S22           | NWNE | (Injection)          |                          |
|                     |               | NWNE | (Rediversion)        |                          |
|                     | S28           | NESW | Within Owyhee County |                          |

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY    |
|-------------------------------|-------------------------|----------------|-------------|
|                               | Irrigation Storage      | 10-01 TO 05-15 | 3000.00 AFY |
|                               | Irrigation from Storage | 04-23 TO 10-01 | 3000.00 AFY |

PLACE OF USE:  
  
USE OF THIS RIGHT WITH RIGHT NO. 51-00137 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 5000 ACRES WITHIN THE  
BOUNDARIES OF THE CEDAR MESA RESERVOIR & CANAL COMPANY IN A  
SINGLE IRRIGATION SEASON.

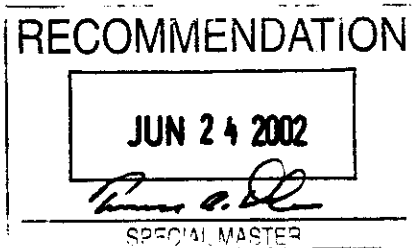
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Presiding Judge of the  
Snake River Basin Adjudication

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TWIN FALLS, IDAHO

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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): 51-00137  
51-00138

On June 24, 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 June 24, 2002.

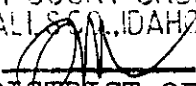
  
LETTIE MESSICK  
Deputy Clerk

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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 )

CERTIFICATE OF MAILING

Case No. 39576 )

Water Right(s): 51-00137

51-00138

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 June 24, 2002, with sufficient first-class postage prepaid to the following:

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

CEDAR MESA RESERVOIR & CANAL C

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

DEVIL CREEK RANCH  
C/O RANDALL BREWER  
ROGERSON, ID 83302  
Phone: 208-857-2222

CERTIFICATE OF MAILING

 PAGE 1  
06/24/02  
LETTIE MESSICK  
Deputy Clerk