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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.

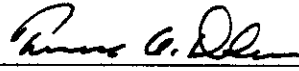
Randall Brewer, Devil Creek Ranch, filed *Objections* on March 31, 1999, objecting to period of year. On October 31, 2001, Cedar Mesa, participant Aslett Ranches Partnership and IDWR filed a *Stipulation to Resolve Objections to Season of Use* in subcases 51-00134, 51-00135, 51-00137 and 51-00138. The 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.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

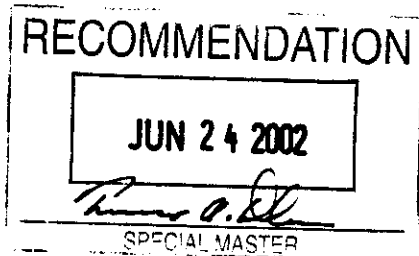
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RULE 54(b) CERTIFICATE

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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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 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.

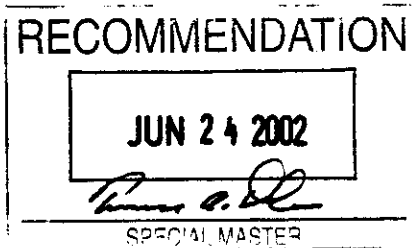
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

AS THIS RIGHT AND RIGHT NO. 51-137, 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
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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.

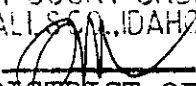

LETTIE MESSICK
Deputy Clerk

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In 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

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06/24/02
LETTIE MESSICK
Deputy Clerk