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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

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 51-00132
	)	(Devil Creek Ranch, Inc.)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	

Findings of Fact

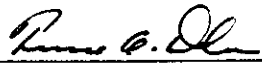
Devil Creek Ranch, Inc., c/o Randall Brewer, Rogerson, Idaho 83302, filed a *Notice of Claim to a Water Right* on November 1, 1988, claiming 3 cfs from Deadwood Creek for year-'round stockwater use and to irrigate 320 acres from April 1 to October 31 with a priority date of April 1, 1886, based on a 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 the claim as filed, but for irrigation of 183.2 acres.

Cedar Mesa Reservoir & Canal Company filed an *Objection* on March 31, 1999, objecting to period of year. However, on May 15, 2002, Devil Creek Ranch, Cedar Mesa and IDWR filed a *Standard Form 5*.

Conclusions of Law

Devil Creek Ranch, Inc., is entitled to a partial decree adjudicating a water right under claim 51-00132 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 51-00132*.

DATED May 20, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 51-00132

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: DEVIL CREEK RANCH INC
C/O RANDALL BREWER
ROGERSON, ID 83302

SOURCE: DEADWOOD CREEK TRIBUTARY: CLOVER CREEK

QUANTITY: 3.00 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1886

POINT OF DIVERSION: T15S R12E S19 SWNE Within Owyhee County
S20 NESW
SESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.00 CFS
	Stockwater	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Irrigation		Within Owyhee County
	T15S R12E S18	SESW 8.3	SWSE 16.0
	S19	NWNE 18.0	SWNE 10.0
		NESE 25.0	NWSE 28.0
		SESE 7.0	
	S20	NESW 25.0	NWSW 31.0
		SWSW 7.3	SESW 7.6
	183.2 Acres Total		

Stockwater Within Owyhee County
Same as Irrigation

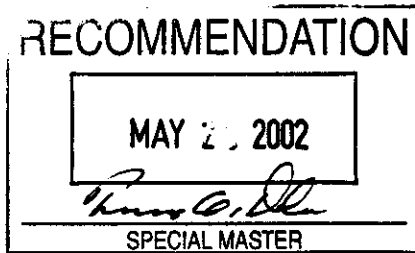
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE DIVERSION OF 3.0 CFS OF WATER FOR IRRIGATION UNDER THIS
RIGHT, AS IT RELATES TO RIGHT NOS. 51-00137 & 51-00138,
RECOMMENDED TO CEDAR MESA RESERVOIR & CANAL COMPANY, SHALL BEGIN
ON APRIL 15TH AND END ON OCTOBER 15TH FOR EACH IRRIGATION SEASON.
THE QUANTITY OF WATER DECREED FOR THIS RIGHT FOR STOCKWATER USE
IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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): 51-00132

On May 20, 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 May 20, 2002.

Lettie Messick

LETTIE MESSICK
Deputy Clerk

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 51-00132

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 May 20, 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

DEVIL CREEK RANCH INC

Represented by:
JUSTIN R. SEAMONS
1201 FALLS AVENUE E STE 30
TWIN FALLS, ID 83301
Phone: 208-736-0075

CERTIFICATE OF MAILING

Lettie Messick

LETTIE MESSICK
Deputy Clerk

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