

RECEIVED

MAY 22 2002

2002 MAY 20 PM 4:33

Department of Water Resources

DISTRICT COURT-SSDA
TWIN FALLS, IDAHO
FILED 7/1/02

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 51-02005

)

(Three Creek Ranch Company)

Case No. 39576

)

)

SPECIAL MASTER REPORT

Findings of Fact

Three Creek Ranch Company, P.O. Box 27, Boise, Idaho 83707, filed a *Notice of Claim to a Water Right* on March 1, 1989, claiming 1.22 cfs from Mud Flat Spring for year-round stockwater use and to irrigate 61 acres from April 1 to November 1 with a priority date of April 29, 1905, based on a license. 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 water from Deer Creek and an unnamed stream and for irrigation of 39 acres within a 240.5 acre place of use from April 1 to October 31.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on March 31, 1999, objecting to point of diversion. IDWR filed a *Notice of Completed Administrative Proceeding* on May 23, 2001, in subcases 51-00124, 51-00125, 51-00126, 51-00127, 51-02005 and 51-02103 for transfers in points of diversion, diversion volumes and remarks. On July 3, 2001, the Special Master entered an *Order Granting Motion to Dismiss Objections* in subcases 51-00124, 51-00125, 51-00126, 51-00127, 51-02005 and 51-02103 dismissing the United States *Objection*.

Conclusions of Law

Three Creek Ranch Company is entitled to a partial decree adjudicating a water right under claim 51-02005 as recommended by IDWR and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 51-02005*.

DATED May 20, 2002.



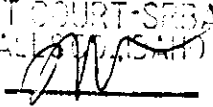
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
)
Case No. 39576)
_____)

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

Water Right 51-02005

2002 MAY 20 PM 4:38
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED 

NAME AND ADDRESS: THREE CREEK RANCH COMPANY
PO BOX 27
BOISE, ID 83707

SOURCE: DEER CREEK TRIBUTARY: THREE CREEK
UNNAMED STREAM DEER CREEK

QUANTITY: 1.22 CFS
156.70 APY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 8.38 CFS. NOR A TOTAL COMBINED
ANNUAL VOLUME OF 1040.8 APY. COMBINED RIGHT NOS.: 51-124, 51-125,
51-126, 51-127, 51-2005, 51-2103.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED MAXIMUM ANNUAL DIVERSION VOLUME OF 841.8 APY AT
THE FIELD HEADGATE. COMBINED RIGHT NOS.: 51-124, 51-125, 51-126,
51-127, 51-2005.

PRIORITY DATE: 02/15/1925

POINT OF DIVERSION: T15S R11E S26 SESE Within Owyhee County
S35 NWNE
SENE
NWNW
SESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.22 CFS
			136.50 APY
	Stockwater	01-01 TO 12-31	0.35 CFS
			20.20 APY

PLACE OF USE:	Irrigation		Within Owyhee County
	T15S R11E S26	SWSW 25.0	SESW 13.0
		SWSE 24.2	SESE 7.0
	S27	SESE 15.0	
	S34	NENE 2.4	NWNE 15.9
		SWNE 22.0	NENW 7.5
		SENW 10.2	NESW 15.7
		SESW 4.5	NWSE 6.5
		SWSE 2.5	
	S35	NENE 14.3	NWNE 0.3
		SWNE 18.0	SENE 2.6
		NENW 19.8	NWNW 12.7
		SENW 1.4	
	240.5 Acres Total		

Stockwater		Within Owyhee County
T15S R11E S26	SWSW	SESW
	SWSE	SESE
S27	SESE	
S34	NENE	NWNE
	SWNE	NENW
	SENW	NESW
	SESW	NWSE
	SWSE	

PLACE OF USE (continued)

S35	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SENE	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 39 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 240.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-00124, 51-00125, 51-00126, 51-00127, 51-2005.

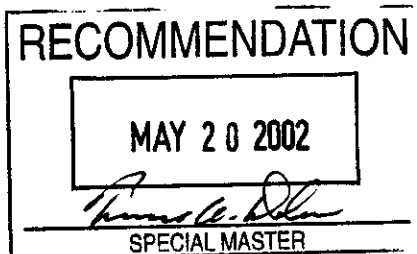
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

RECEIVED

MAY 22 2002

2002 MAY 20 PM 4:39

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
Case No. 39576

)
)
)
)
)
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 51-02005

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
Deputy Clerk

RECEIVED

MAY 22 2002

Department of Water Resources

2002 MAY 20 PM 4:39

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

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 51-02005

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

THREE CREEK RANCH COMPANY
PO BOX 27
BOISE, ID 83707

Lettie Messick

LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/20/02