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JUN 15 2005
Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2005 JUN 14 PM 3 37

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 45-137, 45-138 and 45-13488
Case No. 39576) (Shoulder 3 Ranches, Inc.)
)
) ORDER DISMISSING OBJECTIONS
) and SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004. The Director recommended claims 45-137, 45-138 and 45-13488 to Shoulder 3 Ranches, Inc., P.O. Box 218, Oakley, Idaho, 83346, for a total combined diversion rate of 2.8 cfs from Trapper Creek to irrigate 80.3 acres in Cassia County with priority dates of May 31, 1877, May 31, 1883, and February 22, 1925. The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on January 6, 2005, objecting to place of use.

On June 3, 2005, IDWR filed a *Notice of Completed Administrative Proceeding* for changes in the point of diversion and place of use. The United States filed its *Notice of Voluntary Dismissal of Objections* on June 8, 2005, based on the *NCAP*.

Order

THEREFORE, IT IS ORDERED that the United States' *Objections* in subcases 45-137, 45-138 and 45-13488 are **dismissed**.

Conclusions of Law

Shoulder 3 Ranches, Inc., is entitled to partial decrees adjudicating water rights under claims 45-137, 45-138 and 45-13488 as described in the *NCAP* and the attached *Special Master Recommendation for Partial Decrees for Water Rights 45-137, 45-138 and 45-13488*.

DATED June 14, 2005.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

John A. Doe

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 45-00137

2005 JUN 14 PM 3 37

NAME AND ADDRESS: SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY, ID 83346

SOURCE: TRAPPER CREEK TRIBUTARY: GOOSE CREEK

QUANTITY: 2.00 CFS

RIGHTS 45-137, 45-138 AND 45-13488 WHEN COMBINED SHALL NOT EXCEED
A TOTAL DIVERSION RATE OF 2.80 CFS.
THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN 4.0 AFA PER ACRE AT THE FIELD HEADGATE FOR IRRIGATION
OF THE LANDS ABOVE.

PRIORITY DATE: 05/31/1877

POINT OF DIVERSION: T14S R21E S34 NESENW Within Cassia County

FISH PASSAGE WILL BE PROVIDED FOR UPSTREAM MIGRATING FISH THROUGH
THE IRRIGATION DIVERSION DAM. THIS WILL BE PROVIDED WITH A
VERTICAL SLOTTED ORIFICE ON THE DIVERSION DAM THAT HAS A MINIMUM
GAP WIDTH OF SIX INCHES THROUGHOUT THE WATER COLUMN FOR THE
DURATION THAT WATER IS BEING DIVERTED THROUGH THE IRRIGATION
SYSTEM. THIS MODIFICATION SHOULD PROVIDE FISH THE MEANS TO
MIGRATE UPSTREAM OR DOWNSTREAM THROUGH THE STRUCTURE. THE IDAHO
DEPARTMENT OF FISH AND GAME MUST APPROVE ANY ALTERATION TO THIS
DESIGN.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	07-02 TO 11-01	0.40 CFS
Irrigation	04-01 TO 07-01	2.00 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Cassia County

T14S R21E S26	SWSW 27.9	
S27	SESE 7.6	
S34	NENE 21.2	NWNE 12.1
	SWNE 9.7	SENE 0.6
79.1 Acres Total		

RIGHT NOS. 45-137, 45-138 AND 45-13488 ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 79.1 ACRES IN A SINGLE
IRRIGATION SEASON.
RIGHTS 45-137 AND 45-138 WHEN COMBINED SHALL NOT EXCEED THE
IRRIGATION OF 68.8 ACRES IN A SINGLE IRRIGATION SEASON.

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

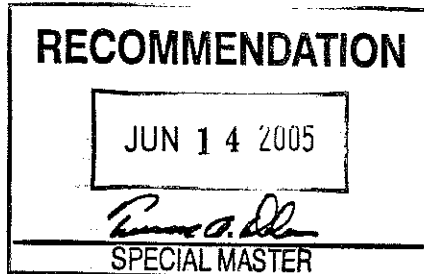
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.



John M. Melanson
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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 45-00138

FILED

2005 JUN 14 PM 3 37

NAME AND ADDRESS: SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY, ID 83346

SOURCE: TRAPPER CREEK TRIBUTARY: GOOSE CREEK

QUANTITY: 0.80 CFS

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN 4.0 AFA PER ACRE AT THE FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.
RIGHTS 45-137, 45-138 AND 45-13488 WHEN COMBINED SHALL NOT EXCEED A TOTAL DIVERSION RATE OF 2.80 CFS.

PRIORITY DATE: 05/31/1883

POINT OF DIVERSION: T14S R21E S34 NESENW Within Cassia County

FISH PASSAGE WILL BE PROVIDED FOR UPSTREAM MIGRATING FISH THROUGH THE IRRIGATION DIVERSION DAM. THIS WILL BE PROVIDED WITH A VERTICAL SLOTTED ORIFICE ON THE DIVERSION DAM THAT HAS A MINIMUM GAP WIDTH OF SIX INCHES THROUGHOUT THE WATER COLUMN FOR THE DURATION THAT WATER IS BEING DIVERTED THROUGH THE IRRIGATION SYSTEM. THIS MODIFICATION SHOULD PROVIDE FISH THE MEANS TO MIGRATE UPSTREAM OR DOWNSTREAM THROUGH THE STRUCTURE. THE IDAHO DEPARTMENT OF FISH AND GAME MUST APPROVE ANY ALTERATION TO THIS DESIGN.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 07-01	0.80 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

Irrigation		Within Cassia County
T14S R21E S26	SWSW 27.9	
S27	SESE 7.6	
S34	NENE 21.2	NWNE 12.1
	SWNE 9.7	SENE 0.6
79.1 Acres Total		

RIGHT NOS. 45-137, 45-138 AND 45-13488 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 79.1 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHTS 45-137 AND 45-138 WHEN COMBINED SHALL NOT EXCEED THE IRRIGATION OF 68.8 ACRES IN A SINGLE IRRIGATION SEASON.

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

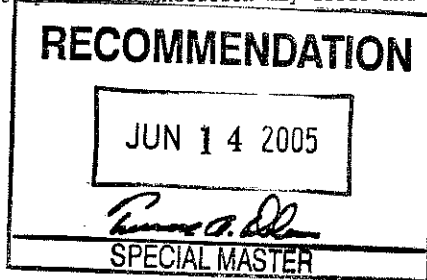
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.



John M. Melanson
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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2005 JUN 14 PM 3 37

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-13488

NAME AND ADDRESS: SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY, ID 83346

SOURCE: TRAPPER CREEK TRIBUTARY: GOOSE CREEK

QUANTITY: 0.37 CFS

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN 4.0 AFA PER ACRE AT THE FIELD HEADGATE FOR IRRIGATION
OF THE LANDS ABOVE.
RIGHTS 45-137, 45-138 AND 45-13488 WHEN COMBINED SHALL NOT EXCEED
A TOTAL DIVERSION RATE OF 2.80 CFS.

PRIORITY DATE: 02/22/1925

POINT OF DIVERSION: T14S R21E S34 NESENW Within Cassia County

FISH PASSAGE WILL BE PROVIDED FOR UPSTREAM MIGRATION FISH THROUGH
THE IRRIGATION DIVERSION DAM. THIS WILL BE PROVIDED WITH A
VERTICAL SLOTTED ORIFICE ON THE DIVERSION DAM THAT HAS A MINIMUM
GAP WIDTH OF SIX INCHES THROUGHOUT THE WATER COLUMN FOR THE
DURATION THAT WATER IS BEING DIVERTED THROUGH THE IRRIGATION
SYSTEM. THIS MODIFICATION SHOULD PROVIDE FISH THE MEANS TO
MIGRATE UPSTREAM OR DOWNSTREAM THROUGH THE STRUCTURE. THE IDAHO
DEPARTMENT OF FISH AND GAME MUST APPROVE ANY ALTERATION TO THIS
DESIGN.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.37 CFS

PLACE OF USE:	Irrigation	Within Cassia County
	T14S R21E S26	SWSW 27.9
	S27	SESE 7.6
	S34	NENE 21.2
		NWNE 12.1
		SWNE 9.7
		SENE 0.6
	79.1 Acres Total	

RIGHT NOS. 45-137, 45-138 AND 45-13488 ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 79.1 ACRES IN A SINGLE
IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10.3 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

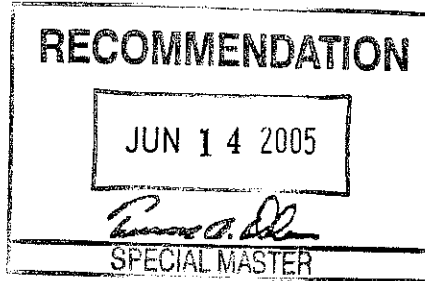
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

SCANNED

JUN 15 2005

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2005 JUN 14 PM 3 37

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): 45-00137
45-00138 45-13488

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 14, 2005, with sufficient first-class postage prepaid to the following:

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

US
US Dept of Justice
550 West Fort St, MSC 033
Boise, ID 83724

SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY, ID 83346
Phone: 208-862-3377



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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SCANNED

JUN 15 2005

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TWIN FALLS CO., IDAHO
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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)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

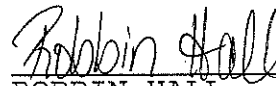
Water Right(s): 45-00137
45-00138 45-13488

On June 14, 2005, 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 14, 2005.



ROBBIN HALL
Deputy Clerk

SCANNED

NOTICE OF ISSUANCE

JUN 15 2005

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