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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

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**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

HR DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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JUN 15 2005

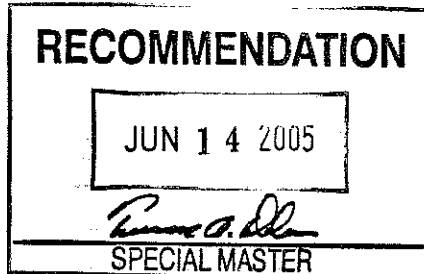
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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

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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

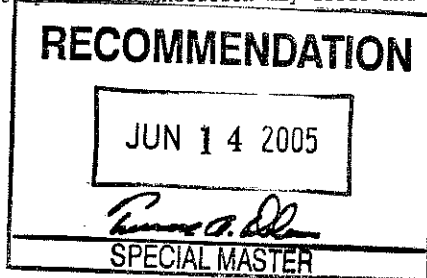
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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.



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

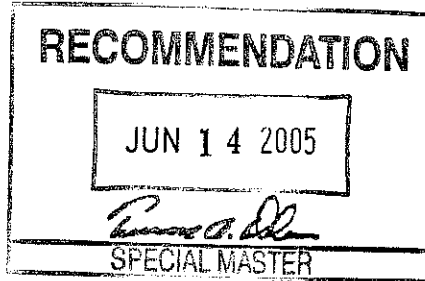
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\_\_\_\_\_  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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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): 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

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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

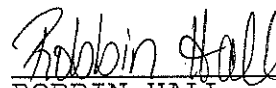
Water Right(s): 45-00137  
45-00138 45-13488

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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