

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 )  
 )  
Case No. 39576 )  
 )

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

Water Right 45-04107

2005 NOV 22 PM 2 23

NAME AND ADDRESS: CRANNEY LAND COMPANY LLC  
1310 S 600 W  
OAKLEY, ID 83346

SOURCE: GROUND WATER

QUANTITY: 0.20 CFS  
324.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 29.29 CFS AND TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 10,018.4 AF. COMBINED RIGHT NOS.: 45-2413,  
45-2431, 45-2432, 45-2594B, 45-4045, 45-4107, 45-7055, 45-7064,  
45-7150, 45-7242, 45-7307, & 45-13550.

PRIORITY DATE: 03/15/1957

POINT OF DIVERSION: T12S R21E S36 SENESE Within Cassia County  
R22E S19 LOT 1 (SWNNWW)  
S20 SENWNW  
S32 SESWNE  
NWNWSW  
NWNWSW  
T13S R21E S01 LOT 1 (NENENE)

TWO POINTS OF DIVERSION LOCATED IN T12S, R22E, S32, NWNWSW.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE  
Irrigation

PERIOD OF USE  
03-15 TO 11-15

QUANTITY  
0.20 CFS  
324.00 AFY

PLACE OF USE:

Irrigation

Within Cassia County

T12S R21E S36

NESW 34.0

NWSW 32.0

SWSW 32.0

SESW 34.0

NESE 38.0

NWSE 34.0

SWSE 32.0

SESE 36.0

R22E S17

NENE 39.0

NWNE 39.0

SWNE 40.0

SENE 40.0

NENW 39.0

NWNW 38.0

SWNW 39.0

SENW 40.0

NESW 40.0

NWSW 39.0

SWSW 39.0

SESW 40.0

NESE 40.0

NWSE 40.0

SWSE 40.0

SESE 36.0

S19

NENE 40.0

NWNE 40.0

SWNE 40.0

SENE 39.0

NENW 40.0

LOT 1 (NWNW) 40.0

NESE 39.0

NWSE 40.0

SWSE 33.0

SESE 33.0

S20

NENW 40.0

NWNW 39.0

SWNW 39.0

SENW 40.0

NESW 40.0

NWSW 39.0

SWSW 39.0

SESW 39.0

S28

NWNW 11.0

SWNW 33.0

NESW 33.0

NWSW 39.0

SWSW 39.0

SESW 39.0

S29

NENE 39.0

NWNE 27.0

PLACE OF USE (continued)

|                     |             |       |             |
|---------------------|-------------|-------|-------------|
|                     | SWNE 35.0   |       | SENE 40.0   |
|                     | NENW 40.0   |       | NWNW 40.0   |
|                     | SWNW 40.0   |       | SENE 40.0   |
|                     | NESW 40.0   |       | NWSW 40.0   |
|                     | SWSW 39.0   |       | SESW 39.0   |
|                     | NESE 39.0   |       | NWSE 34.0   |
|                     | SWSE 33.0   |       | SESE 38.0   |
| S30                 | NESE 37.0   |       | NWSE 39.0   |
|                     | SWSE 39.0   |       | SESE 34.0   |
| S31                 | NENE 30.0   |       | NWNE 33.0   |
|                     | SWNE 40.0   |       | SENE 37.0   |
|                     | NENW 39.0   |       | SENE 40.0   |
| LOT 3               | (NWSW) 41.0 | LOT 4 | (SWSW) 40.0 |
| S32                 | NENE 38.0   |       | NWNE 33.0   |
|                     | SWNE 34.0   |       | SENE 38.0   |
|                     | NENW 39.0   |       | NWNW 31.0   |
|                     | SWNW 36.0   |       | SENE 38.0   |
| S33                 | NENW 39.0   |       | NWNW 39.0   |
|                     | SWNW 39.0   |       | SENE 39.0   |
| T13S R21E S01 LOT 1 | (NENE) 40.0 | LOT 2 | (NWNE) 40.0 |
|                     | SWNE 39.0   |       | SENE 39.0   |
| LOT 3               | (NENW) 40.0 | LOT 4 | (NWNW) 41.0 |
|                     | SWNW 39.0   |       | SENE 39.0   |

3605.0 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4235 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-425D, 45-433, 45-514A, 45-516, 45-2413, 45-2431, 45-2432, 45-2594B, 45-4045, 45-4107, 45-7055, 45-7064, 45-7150, 45-7242, 45-7307, 45-7355, 45-13549, 45-13550. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3605 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2413, 45-2431, 45-2432, 45-2594B, 45-4045, 45-4107, 45-7055, 45-7064, 45-7150, 45-7242, 45-7307, & 45-13550.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 81 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).

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.

NOV 22 2005

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

2005 NOV 22 PM 2 23

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 45-2413, *et al.*  
 ) (see list of 12 subcases attached)  
Case No. 39576 ) (Cranney Land Company, LLC)  
 )  
\_\_\_\_\_ ) SPECIAL MASTER REPORT

**Findings of Fact**

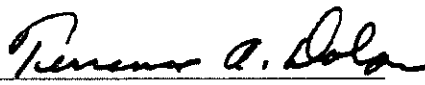
The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004. The Director recommended the above twelve claims to Cranney Land Company, LLC, 1310 South, 600 West, Oakley, Idaho, 83346, for various amounts between .2 cfs and 8.14 cfs from groundwater to irrigate 3605 acres in Cassia County between March 15 and November 15 with priority dates between April 2, 1952, and June 30, 1985, based on licenses and beneficial uses.

Howard R. Adams & Sons, Inc., filed *Motions for Leave to File Late Objections* on April 8, 2005, alleging the water rights should not exist. On November 7, 2005, Cranney Land Company, LLC, Howard & Sons, Inc. and IDWR filed a *Standard Form 5* for each claim.

**Conclusions of Law**

Cranney Land Company, LLC, is entitled to partial decrees adjudicating water rights for the above twelve claims as described in the *SF-5's* and the attached *Special Master Recommendations for Water Rights*.

DATED November 22, 2005.

  
TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

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

2005 NOV 22 PM 2 24

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): 45-02413  
(SEE ATTACHED EXHIBIT A)

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 November 22, 2005, with sufficient first-class postage prepaid to the following:

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

HOWARD R ADAMS & SONS INC

Represented by:

ROGER D LING

615 H ST

PO BOX 396

RUPERT, ID 83350-0396

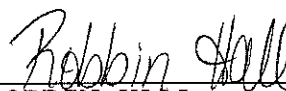
Phone: 208-436-4717

CERTIFICATE OF MAILING

PAGE 1  
11/22/05

CRANNEY LAND COMPANY LLC  
1310 S 600 W  
OAKLEY, ID 83346  
Phone: 208-862-3346

HOWARD R ADAMS & SONS INC  
496 W 1000 S  
BURLEY, ID 83318  
Phone: 208-678-2978

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

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

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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): 45-02413  
(SEE ATTACHED EXHIBIT A)

On November 22, 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 November 22, 2005.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

Exhibit A

Subcase Nos:

45-02413  
45-02431  
45-02432  
45-02594B  
45-04045  
45-04107  
45-07055  
45-07064  
45-07150  
45-07242  
45-07307  
45-13550