

2006 JUN 14 PM 2:59

DISTRICT COURT - SRBA
TWIN FALLS CO., 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) **Subcases 45-80B and 45-81B**
) **(Manning Ranches, Inc.)**
Case No. 39576)
) **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 45-80B to Ennis Matthews for .18 cfs from Birch Creek to irrigate 11 acres in Cassia County from April 1 to October 31 with a priority date of March 1, 1875, based on a decree. The Director recommended 45-81B to Mr. Matthews for .03 cfs from Birch Creek to irrigate 11 acres in Cassia County from April 1 to October 31 with a priority date of April 1, 1881, based on a decree. IDWR filed a *Notice of Completed Administrative Proceeding* in both subcases on January 7, 2005, for a substitution of party for a new claimant: Manning Ranches, Inc., 2233 Birch Creek Road, Oakley, Idaho, 83346.

The Presiding Judge of the SRBA entered an ***Order of Partial Decree*** in both subcases on June 9, 2005, when no timely objections were filed. Manning Ranches filed *Motions to File Amended Notices of Claims* on October 13, 2005, to "correct" the season of use, places of use and acreage. On January 23, 2006, Manning Ranches filed *Motions to Set Aside Partial Decrees* and on February 22, 2006, the Presiding Judge entered an ***Order Granting Motion to Set Aside Partial Decrees***.

On April 3, 2006, the Special Master entered an ***Order Granting Motions to File Amended Notices of Claims*** and IDWR filed its *Amended Director's Reports, Subcases 45-80B and 45-81B* on April 28, 2006, amending the season of use and adding a remark concerning a water rotation agreement. No one objected to the Director's amended recommendations.

Conclusions of Law

Manning Ranches, Inc., is entitled to partial decrees adjudicating water rights under claims 45-80B and 45-81B as described in the April 28, 2006 *Amended Director's Reports* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-80B and 45-81B*

DATED June 14, 2006.



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 45-00080B

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NAME AND ADDRESS: MANNING RANCHES INC
2233 BIRCH CREEK RD
OAKLEY, ID 83346

SOURCE: BIRCH CREEK TRIBUTARY: GOOSE CREEK

QUANTITY: 0.18 CFS

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 03/01/1975

POINT OF DIVERSION: T14S R22E S24 SESWNW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-28 TO 11-15	0.18 CFS

PLACE OF USE: Irrigation Within Cassia County
T14S R22E S02 SWNW 11.0
11.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 45-81B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 11 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THE OPERATION AND USE OF THIS WATER RIGHT IS ALSO SUBJECT TO THE
TERMS AND CONDITIONS OF THE WATER ROATION AGREEMENT
("AGREEMENT") ENTERED INTO BY CERTAIN USERS ON 10 SEPTEMBER,
1992. THE AGREEMENT WAS FILED AND RECORDED IN THE OFFICE OF THE
CASSIA COUNTY RECORDER ON 27 MAY, 1993 AS INSTRUMENT NO : 224804;
THE PROVISIONS OF SUCH AGREEMENT TO APPLY FULLY TO 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

John M. Melanson

Presiding Judge of the

RECOMMENDATION

JUN 14 2006

SPECIAL MASTER

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 45-00081B

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NAME AND ADDRESS: MANNING RANCHES INC
2233 BIRCH CREEK RD
OAKLEY, ID 83346

SOURCE: BIRCH CREEK IRRIGATORY: GOOSE CREEK

QUANTITY: 0.03 CFS

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/01/1981

POINT OF DIVERSION: 114S R22E S24 SESWNW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-28 TO 11-15	0.03 CFS

PLACE OF USE: Irrigation Within Cassia County
114S R22E S02 SWNW 11.0
11.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 45-80B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 11 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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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
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John M. Melanson
Presiding Judge of the

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JUN 14 2006

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

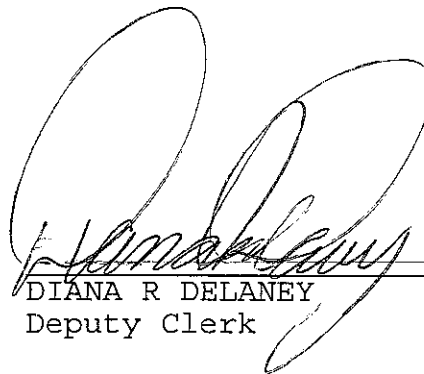
Water Right(s): 45-00080B
45-00081B

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, 2006, with sufficient first-class postage prepaid to the following:

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

MANNING RANCHES INC
Represented by:
RANDOLPH CALVIN STONE
PO BOX 910
BURLEY, ID 83318
Phone: 208-878-8382



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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In Re SRBA)

Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

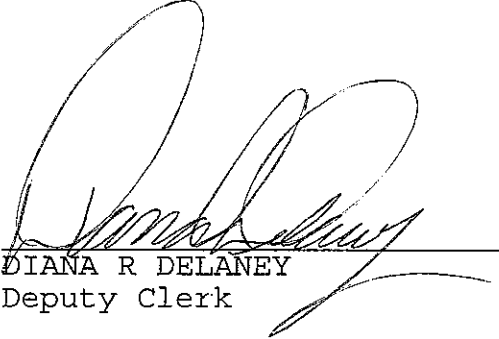
Water Right(s): 45-00080B
45-00081B

On June 14, 2006, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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, 2006.



DIANA R. DELANEY
Deputy Clerk