

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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 45-00090

2016 NOV 29 AM 11:44

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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

SOURCE: BIRCH CREEK TRIBUTARY: GOOSE CREEK

QUANTITY: 1.00 CFS

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

PRIORITY DATE: 12/01/1882

POINT OF DIVERSION: T14S R22E S14 SESESE Within Cassia County  
S24 SESWNW

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 02-28 TO 11-15 | 1.00 CFS |

| PLACE OF USE: | Irrigation            | Within Cassia County |
|---------------|-----------------------|----------------------|
|               | T13S R22E S34         | NESE 40.0 SESE 40.0  |
|               | T14S R22E S02         | SWNW 11.0 SENW 12.0  |
|               |                       | NESW 40.0 NWSW 40.0  |
|               |                       | SWSW 33.0 SESW 40.0  |
|               | S03 LOT 1 (NENE) 35.0 | LOT 2 (NWNE) 5.0     |
|               |                       | SENE 31.0 NESE 11.0  |
|               | S11                   | NESW 13.0 SESW 1.0   |
|               |                       | NESE 40.0 NWSE 40.0  |
|               |                       | SWSE 37.0 SESE 40.0  |
|               | S14                   | NENE 38.0 NWNE 24.0  |
|               |                       | SWNE 5.0 SENE 8.0    |
|               |                       | NESE 20.0 NWSE 28.0  |
|               |                       | SESE 5.0             |
|               | 637.0 Acres Total     |                      |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

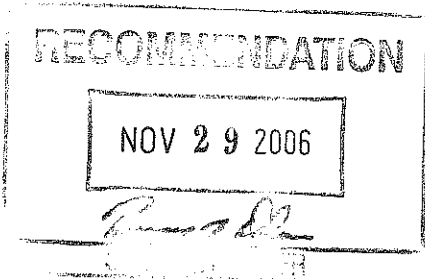
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE OPERATION AND USE OF THIS WATER RIGHT IS ALSO SUBJECT TO THE  
TERMS AND CONDITIONS OF THE WATER ROTATION 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  
Snake River Basin Adjudication

RECEIVED

NOV 30 2006

DEPARTMENT OF  
WATER RESOURCES

2006 NOV 29 AM 11:44

DISTRICT COURT-SRBA  
TWIN FALLS CO., 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     | ) Subcases 45-41, 45-85, 45-90, 45-596,     |
|                | ) 45-597, 45-622A, 45-622B, 45-674,         |
| Case No. 39576 | ) 45-12456, 45-13489, 45-13496 and 45-13497 |
|                | ) (Manning Ranches, Inc.)                   |
|                | )                                           |
| _____          | ) 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 12 claims to Manning Ranches, Inc., 2233 Birch Creek Road, Oakley, Idaho, 83346, for various quantities between .271 cfs and 7.94 cfs from Mill Creek and Birch Creek for year-'round stockwater use and to irrigate between 32 and 897 acres in Cassia County between March 15 and November 15 with priority dates between March 1, 1875, and April 1, 1960, all based on decrees.

The Special Master entered an *Amended Order Granting Motion to Amend Claims* in 16 subcases, including the above 12 subcases, on November 14, 2005. IDWR filed its *Amended Director's Reports* in the 16 subcases on February 24, 2006, and on March 13, 2006, Manning Ranches filed *Objections* to period of year and place of use in all 12 of the above subcases.

On April 3, 2006, The Special Master entered an *Order Granting Motions to File Amended Notices of Claims* in 18 subcases, including the above 12 subcases. *Standard Form 5's* were filed by Manning Ranches, with IDWR's concurrence, in subcases 45-41, 45-596, 45-597, 45-622A, 45-622B, 45-674 on September 28, 2006. *Amended SF-5's* were filed by Manning Ranches, with IDWR's concurrence, in 45-85, 45-90, 45-12456, 45-13489, 45-13496 and 45-13497 on October 12, 2006.

### Conclusions of Law

Manning Ranches is entitled to partial decrees adjudicating water rights in the above 12 claims as described in the *SF-5's* and *Amended SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-41, 45-85, 45-90, 45-596, 45-597, 45-622A, 45-622B, 45-674, 45-12456, 45-13489, 45-13496 and 45-13497*.

DATED November 29, 2006.



TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

Exhibit A

Subcase Nos:

45-00041  
45-00085  
45-00090  
45-00596  
45-00597  
45-00622A  
45-00622B  
45-00674  
45-12456  
45-13489  
45-13496  
45-13497

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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): 45-00041  
(SEE ATTACHED EXHIBIT A)

On November 29, 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 November 29, 2006.

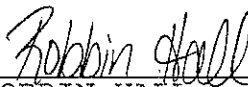
  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

Exhibit A

Subcase Nos:

45-00041  
45-00085  
45-00090  
45-00596  
45-00597  
45-00622A  
45-00622B  
45-00674  
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 45-00041  
(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 29, 2006, with sufficient first-class postage prepaid to the following:

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

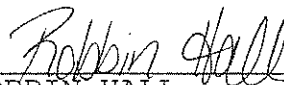
MANNING RANCHES INC  
Represented by:  
RANDOLPH CALVIN STONE  
PO BOX 910  
BURLEY, ID 83318  
Phone: 208-878-8382

CERTIFICATE OF MAILING

PAGE 1  
11/29/06

TIM PAYTON, PRESIDENT

Represented by:  
TRAVIS L THOMPSON  
113 MAIN AVE W, STE 303  
TWIN FALLS, ID 83301-6167  
Phone: 208-733-0700

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