

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 45-00597

2006 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: MILL CREEK TRIBUTARY: SINKS

QUANTITY: 1.20 CFS

PRIORITY DATE: 03/01/1881

POINT OF DIVERSION: T13S R22E S36 NESE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.20 CFS

PLACE OF USE: Irrigation Within Cassia County
T13S R22E S34 NENE 40.0 NWNE 40.0
SWNE 40.0 SENE 40.0
160.0 Acres Total

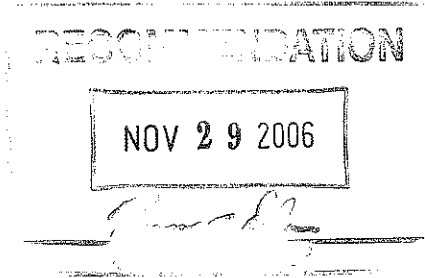
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

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

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DEPARTMENT OF
WATER RESOURCES

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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 Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

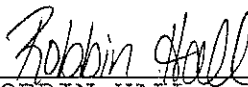
Water Right(s): 45-00041
(SEE ATTACHED EXHIBIT A)

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
45-12456
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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

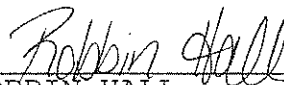
MANNING RANCHES INC
Represented by:
RANDOLPH CALVIN STONE
PO BOX 910
BURLEY, ID 83318
Phone: 208-878-8382

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