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DEPARTMENT OF
WATER RESOURCES

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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

Case No. 39576

) Subcases 45-310A, 45-313 and 45-525
) (Six S Ranch, LLC)
)
) ORDER GRANTING MOTION
) TO WITHDRAW OBJECTION
) AND VACATING TRIAL and
) SPECIAL MASTER REPORT
) AND RECOMMENDATIONS

Findings of Fact

L.S. Skaggs filed a *Notice of Claim to a Water Right* on May 8, 1989, under claim 45-525 claiming .1 cfs from a spring to irrigate 803 acres in Cassia County year-'round with a priority date of June 30, 1879, based on a decree. 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 that the claim be disallowed, "No lawful appropriation shown", and listed the claimant as Emery Ranch, LC. IDWR later identified claims 45-310A and 45-313 as uncontested overlapping claims with the same claimant.

IDWR filed a *Notice of Completed Administrative Proceeding* on October 8, 2004, listing the new claimant of claims 45-310A, 45-313 and 45-525 as Six S Ranch, LLC, P.O. Box 1760, Eagle, Idaho, 83616.

Six S Ranch filed an *Objection* in 45-525 on December 3, 2004, alleging the claim should have been recommended as claimed and trial was scheduled for December 21, 2006. On November 30, 2006, Six S Ranch, LLC, filed a *Notice of Withdrawal of Objection* withdrawing its *Objection* to IDWR's recommended disallowal of the claim.

Orders

THEREFORE, IT IS ORDERED that:

1. Six S Ranch's motion to withdraw its *Objection* is **granted**, and

2. The October 17, 2006, *Order Vacating and Resetting Trial* in subcase 45-525 is vacated.

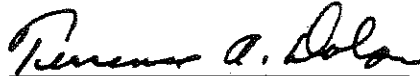
Conclusions of Law

1. Six S Ranch is **not** entitled to a partial decree adjudicating a water right in subcase 45-525, and
2. Six S Ranch is entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the attached *Special Master Recommendations for Water Rights 45-310A and 45-313*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 45-525 be decreed disallowed.

DATED December 6, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 45-00310A

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NAME AND ADDRESS: SIX S RANCH LLC
PO BOX 1760
EAGLE, ID 83616

SOURCE: MARSH CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.80 CFS

PRIORITY DATE: 04/01/1876

POINT OF DIVERSION: T12S R24E S14 NENESW Within Cassia County
S23 NENESW
NWNWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.80 CFS

The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early 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
	T12S R24E S14	SWNE 36.0 SENE 27.0 SENE 27.0 SENE 17.0 SENE 8.7 SENE 8.7 SENE 7.2
	110.8 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 110.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-310A and 45-313.

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).

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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

CERTIFICATE OF MAILING

Water Right(s): 45-00310A
45-00313 45-00525

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 December 06, 2006, with sufficient first-class postage prepaid to the following:

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

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

SIX S RANCH LLC
PO BOX 1760
EAGLE, ID 83616

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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In Re SRBA)
)
Case No. 39576)
)
)

Water Right(s): 45-00310A
45-00313 45-00525

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.

ROBBIN HALL
Deputy Clerk