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DEPARTMENT OF

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 16 2007

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

Case No. 39576

) AMENDED SPECIAL MASTER'S
) REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 61-00349,
) 61-00353, 61-00356, 61-00357, 61-02242,
) 61-02243, and 61-07231

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On June 15, 1999, the United States of America, Department of Interior, Bureau of Land Management (BLM) filed objections to the *Director's Report* for water right claims 61-00356, 61-00357, 61-02242, 61-02243, and 61-07231¹. On July 28, 2005, the BLM, voluntarily dismissed its objections, which were resolved by the filing of *Notices of Completed Administrative Proceedings* in each subcase.

A *Special Master's Report and Recommendation* was issued for the above-captioned water rights on January 30, 2007. On February 13, 2007, the SRBA Court received correspondence from IDWR stating that the recommendation contained a remark under the place of use element that should not have been included. The correspondence also represented that the attorney for the claimant agrees that the remark should be removed. Accordingly, this *Amended Special Master's Report and Recommendation* recommends that the water rights be decreed without the subject remark.

¹ As to water right claims 61-00349 and 61-00353, no objections were filed in these two subcases, but they were processed along with the related water right claims to which objections were filed.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 61-00349, 61-00353, 61-00356, 61-00357, 61-02242, 61-02243, and 61-07231 be **decreed** with the elements as set forth in the attached *Amended Recommendations for Partial Decrees*

Pursuant to I.R.C.P. 54(b).

Dated February 15, 2007



Theodore R. Booth
Special Master
Snake River Basin Adjudication

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 16 2007	
By _____	Clerk
_____	Deputy Clerk

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): 61-00349
61-00353 61-00356 61-00357
61-02242 61-02243 61-07231

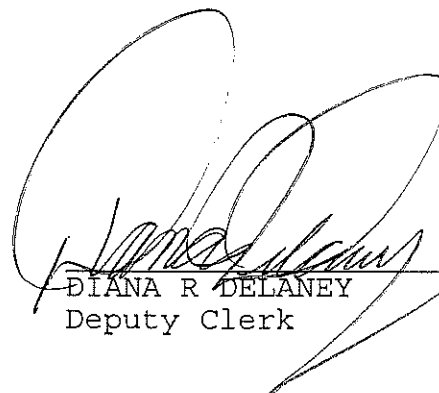
CERTIFICATE OF MAILING

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 February 16, 2007, with sufficient first-class postage prepaid to the following:

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

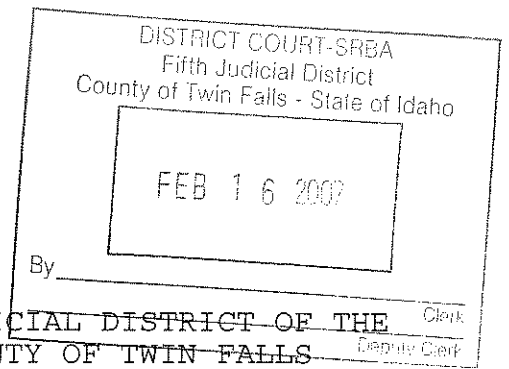
JAMES P SPECK
PITCHFORK RANCH LLC
Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421

CERTIFICATE OF MAILING



DIANA R DELANEY
Deputy Clerk

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02/15/07



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

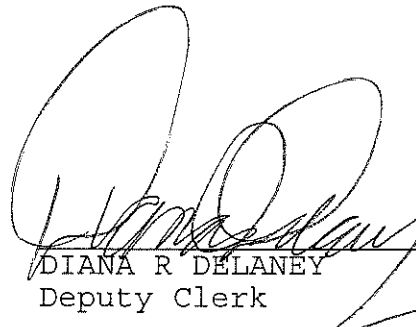
Water Right(s): 61-00349
61-00353 61-00356 61-00357
61-02242 61-02243 61-07231

On February 16, 2007, Special Master JOHN M MELANSON 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 February 16, 2007.



DIANA R DELANEY
Deputy Clerk

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 61-02242

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 16 2007	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: PITCHFORK RANCH LLC
C/O CHUCK HILL
PO BOX 1607
BELLEVUE, WA 98009

SOURCE: GROUNDWATER

QUANTITY: 0.94 CFS
235.00 AFY

RIGHTS 61-349,61-353, 61-356, 61-357, 61-2242, 61-2243,
61-7231 AND 37-20344 WHEN COMBINED SHALL NOT EXCEED A TOTAL
ANNUAL MAXIMUM FIELD HEADGATE VOLUME OF 2,855.0 AF.
RIGHTS 61-349, 61-353, 61-356, 61-357, 61-2242, 61-2243,
61-7231, 37-20344, AND A PORTION OF RIGHT 37-4112, HELD BY KING
HILL IRRIGATION DISTRICT, SHALL NOT EXCEED A TOTAL ANNUAL
MAXIMUM FIELD HEADGATE VOLUME OF 3,488.0 AF.
RIGHTS 61-2242, 61-2243 AND 61-7231 WHEN COMBINED SHALL NOT
EXCEED A TOTAL DIVERSION RATE OF 3.74 CFS AND A TOTAL ANNUAL
MAXIMUM DIVERSION VOLUME OF 935.0 AF.

PRIORITY DATE: 07/28/1966

POINT OF DIVERSION: T05S R11E S06 NESWNE Within Elmore County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.94 CFS
			235.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Elmore County
	T05S R10E S01	NENE 36.0 LOT 2 (NWNE) 35.0
		SWNE 28.0 SENE 40.0
		NESE 37.0 NWSE 4.0
		SESE 9.0
	S12	NENE 4.0
	R11E S05	NESW 27.0 NWSW 25.0
		SWSW 40.0 SESW 28.0
	S06 LOT 2	(NWNE) 34.0 SWNE 22.0
		SENE 14.0 LOT 3 (NENW) 38.0
	LOT 4	(NWNW) 29.0 LOT 5 (SWNW) 31.0
		SENW 40.0 NESW 40.0
	LOT 6	(NWSW) 31.0 LOT 7 (SWSW) 20.0
		SESW 26.0 NESE 34.0
		NWSE 38.0 SWSE 23.0
		SESE 32.0
	S07	NENE 6.0 LOT 4 (SWNE) 8.0
		SENE 17.0 NENW 14.0
	LOT 1	(NWNW) 17.0 LOT 5 (NESE) 4.0
	S08	NWNW 17.0 SWNW 5.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

LOT 1 (NWSW) 8.0
861.0 Acres Total

RIGHTS 61-349, 61-353, 61-356, 61-357, 61-2242, 61-2243, 61-7231, 37-20344, AND A PORTION OF RIGHT 37-4112, HELD BY KING HILL IRRIGATION DISTRICT, SHALL NOT EXCEED THE IRRIGATION OF 825.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE.

RIGHTS 61-349, 61-353, 61-356, 61-357, 61-2242, 61-2243, 61-7231 AND 37-20344 WHEN COMBINED SHALL NOT EXCEED THE IRRIGATION OF 667.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE.

THE PLACE OF USE FOR RIGHT 61-2242 IS LIMITED TO THE IRRIGATION OF 47.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE.

RIGHTS 61-2242, 61-2243 AND 61-7231 WHEN COMBINED SHALL NOT EXCEED THE IRRIGATION OF 187.0 ACRES.

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.

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

