

2007 MAY 23 PM 12: 17
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:**
) **74-80 (74-15746 & 74-15747)**
) **74-123 (74-15748 & 74-15749)**
) **74-127 (74-15750 & 74-15751)**
) **(Ellsworth Angus Ranch & USDI / BLM)**
)
) **SPECIAL MASTER REPORT**
) **AND RECOMMENDATION**

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Part I Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended claims 74-80, 74-123 and 74-127 to Ellsworth Angus Ranch, Inc., P.O. Box 60, Leadore, Idaho, 83464, for .13 cfs, .05 cfs and .4 cfs from Texas Creek to irrigate 9 acres and 21 acres in Lemhi County from March 15 to November 15 with priority dates of August 1, 1883, and May 14, 1920, based on a decree

The United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 South Vinnell Way, Boise, Idaho, 83709-1657, filed *Objections* on June 29, 2006, objecting to place of use. On May 8, 2007, the parties filed a *Stipulation to Resolve Objection* in the three subcases agreeing to split each claim into separate ownership plus later arrangements concerning Land Use Authorizations and administrative proceedings. The same date, the parties, with IDWR's concurrence, filed *Standard Forms 5* specifying the terms of the *Stipulation* and agreeing to disallow the split claims.

Conclusions of Law

1. Ellsworth Angus Ranch is entitled to partial decrees adjudicating water rights 74-15746, 74-15748 and 74-15750 as described in the *SF-5's* and the attached *Special*

Master Recommendations for Partial Decrees for Water Right 74-15746, 74-15748 and 74-15750, and

2. The USDI / BLM is entitled to partial decrees adjudicating water rights 74-15747, 74-15749 and 74-15751 as described in the SF-5's and the attached ***Special Master Recommendations for Partial Decrees for Water Right 74-15747, 74-15749 and 74-15751.***

Recommendation

THEREFORE, IT IS RECOMMENDED that claims 74-80, 74-123 and 74-127 be **disallowed** each claim having been split.

DATED May 23, 2007.


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 74-15746

2007 MAY 23 PM 12:17

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED_____

NAME AND ADDRESS: ELLSWORTH ANGUS RANCH
PO BOX 60
LEADORE ID 83464

SOURCE: TEXAS CREEK LEMHI RIVER

QUANTITY: 0.072 CFS

PRIORITY DATE: 08/01/1883

POINT OF DIVERSION: T14N R27E S19 LOT 3 (NWSW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.072 CFS

PLACE OF USE: Irrigation Within Lemhi County
T14N R26E S24 SENE 2.0
R27E S19 LOT 3 (NWSW) 3.0
5.0 Acres Total

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS
USE OF THIS RIGHT WITH RIGHT NO. 74-15748 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 5 ACRES IN A SINGLE
IRRIGATION SEASON.
THIS RIGHT AUTHORIZES THE IRRIGATION OF 5 TOTAL 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

RECOMMENDATION

MAY 23 2007


SPECIAL MASTER

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

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 74-15747

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: TEXAS CREEK LEMHI RIVER

QUANTITY: 0.058 CFS

PRIORITY DATE: 08/01/1883

POINT OF DIVERSION: 114N R27E S19 LOI 3 (NWSW) Within Lemhi County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	03-15 TO 11-15	0.058 CFS

PLACE OF USE: Irrigation Within Lemhi County
114N R27E S19 LOI 2 (SWNW) 4.0
4.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 74-15479 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 4 ACRES IN A SINGLE
IRRIGATION SEASON.
THIS RIGHT AUTHORIZES THE IRRIGATION OF 4 TOTAL 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
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

MAY 23 2007

[Signature]
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 74-15748

2007 MAY 23 PM 12:17
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: ELLSWORTH ANGUS RANCH
PO BOX 60
LEADORE ID 83464

SOURCE: TEXAS CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.028 CFS

PRIORITY DATE: 05/14/1920

POINT OF DIVERSION: T14N R27E S19 LOT 3 (NWSW) Within Lemhi County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 0.028 CFS

PLACE OF USE: Irrigation Within Lemhi County
T14N R26E S24 SENE 2.0
R27E S19 LOT 3 (NWSW) 3.0
5.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 74-15746 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 5 ACRES IN A SINGLE
IRRIGATION SEASON.
This right authorizes the irrigation of 5 total acres
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

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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
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

RECOMMENDATION

MAY 23 2007

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 74-15749

2007 MAY 23 PM 12:17
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: TEXAS CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.022 CFS

PRIORITY DATE: 05/14/1920

POINT OF DIVERSION: T14N R27E S19 LOT 3 (NWSW) Within Lemhi County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	03-15 TO 11-15	0.022 CFS

PLACE OF USE: Irrigation Within Lemhi County
T14N R27E S19 LOT 2 (SWNW) 4 0
4 0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 74-15747 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 4 ACRES IN A SINGLE
IRRIGATION SEASON.
This right authorizes the irrigation of 4 total 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)

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

RECOMMENDATION

MAY 23 2007

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)
) PARIAL DECREE PURSUANT TO
Case No 39576) I R C P 54(b) FOR
) Water Right 74-15750

2007 MAY 23 PM 12:17

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: ELLSWORTH ANGUS RANCH
PO BOX 60
LEADORE ID 83464

SOURCE: TEXAS CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.15 CFS

PRIORITY DATE: 05/14/1920

POINT OF DIVERSION: T14N R26E S24 SENE Within Lemhi County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 0.15 CFS

PLACE OF USE: Irrigation Within Lemhi County
T14N R26E S24 SENE 8.0
8.0 Acres total

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

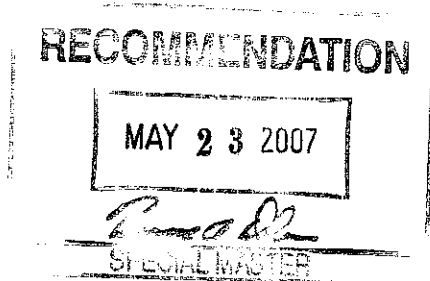
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARIAL 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
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ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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John M. Melanson
Presiding Judge of the
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)
PARIIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-15751

2007 MAY 23 PM 12:17
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: TEXAS CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.25 CFS

PRIORITY DATE: 05/14/1920

POINT OF DIVERSION: T14N R26E S24 SENE Within Lemhi County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 0.25 CFS

PLACE OF USE: Irrigation Within Lemhi County
T14N R26E S24 NENE 13.0
13.0 Acres Total

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

THIS PARIIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

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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): 74-00080

74-00123	74-00127	74-15746
74-15747	74-15748	74-15749
74-15750	74-15751	

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 May 23, 2007, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

ELLSWORTH ANGUS RANCH
PO BOX 60
LEADORE, ID 83464
Phone: 208-768-2664

CERTIFICATE OF MAILING

Robbin Hall
ROBBIN HALL
Deputy Clerk

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05/23/07

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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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

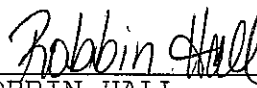
Water Right(s): 74-00080
74-00123 74-00127 74-15746
74-15747 74-15748 74-15749
74-15750 74-15751

On May 23, 2007, Special Master TERRENCE A. DOLAN
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 May 23, 2007.



ROBBIN HALL
Deputy Clerk