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DEPARTMENT OF
WATER RESOURCES

2007 MAY 31 PM 12:03
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) Subcases 74-160, 74-2289, 74-2326 and 74-
Case No. 39576) 7185
(Beyeler Ranches LLC)
_____) SPECIAL MASTER REPORT

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 claim 74-7185 to Beyeler Ranches LLC, c/o Merrill and Sharal Beyeler, P.O. Box 62, Leadore, Idaho, 83464, for 2 cfs from groundwater to irrigate 240 acres in Lemhi County from April 1 to November 1 with a priority date of May 31, 1983, based on a license.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on June 29, 2006, objecting to place of use. On May 16, 2007, Merrill Beyeler and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to amend the place of use. IDWR identified subcases 74-160, 74-2289 and 74-2326 as overlapping uncontested claims.

Conclusions of Law

The Beyeler Ranches LLC is entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the *SF-5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 74-160, 74-2289, 74-2326 and 74-7185*.

DATED May 31, 2007.

A handwritten signature in black ink, appearing to read "Terrence A. Dolan", is written over a horizontal line.

TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-00160

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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Frank
SPECIAL MASTER

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May-23-2007

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Water Right 74-02289

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

STREET LIGHTER

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 74-02326

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NAME AND ADDRESS: BEYELER RANCHES LLC
C/O MERRILL AND SHARAL BEYELER
PO BOX 62
LEADORE, ID 83464

SOURCE: HAWLEY CREEK TRIBUTARY: EIGHTEENMILE CREEK

QUANTITY: 1.36 CFS

PRIORITY DATE: 04/11/1960

POINT OF DIVERSION: T16N R27E S31 NENW Within Lemhi County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 1.36 CFS

PLACE OF USE: Irrigation Within Lemhi County
T16N R26E S27 NESW 26.7
26.7 Acres Total

This right authorizes the irrigation of 26.7 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 31 2007

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 74-07185

2007 MAY 31 PM 12:03

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BEYELER RANCHES LLC
C/O MERRILL AND SHARAL BEYELER
PO BOX 62
LEADORE, ID 83464

SOURCE: GROUND WATER

QUANTITY: 2.00 CFS
720.00 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 05/31/1983

POINT OF DIVERSION: T16N R26E S27 NESW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.00 CFS 720.00 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 NOVEMBER 1 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 Lemhi County
	T16N R26E S27	SWNE 11.0 S28 240.0 Acres Total
		NWNW 1.0 SENE 39.63 NWSE 0.13
		SWNW 39.88 SENE 40.0
		NESW 37.0 NWSW 34.75
		NWSE 2.61
		NENE 3.0
		NESE 31.0

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.

RECOMMENDATION

MAY 31 2007

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

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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): 74-00160
74-02289 74-02326 74-07185

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 31, 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

BEYELER RANCHES LLC
C/O MERRILL AND SHARAL BEYELER
PO BOX 62
LEADORE, ID 83464

CERTIFICATE OF MAILING

Robbin Hall
ROBBIN HALL
Deputy Clerk

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05/31/07

DISTRICT COURT - GRBA
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In Re SRBA
Case No. 39576

Water Right(s): 74-00160
74-02289 74-02326 74-07185

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