

RECEIVED

JUL 12 2007

DEPARTMENT OF
WATER RESOURCES

2007 JUL 11 PM 2:33
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 45-13654, 45-13655 and 45-13656
Case No. 39576) (Pickett Ranch & Sheep Company)
)
) 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 three claims to Pickett Ranch & Sheep Company, 1650 South, 570 West, Oakley, Idaho, 83346, for .02 cfs from various springs and creeks for stockwater use from June 1 to November 15 in Cassia County with a priority date of June 11, 1905, based on beneficial use.

The United States of America, Department of Agriculture, Forest Service filed *Objections* on October 18, 2004, objecting to quantity and priority date. On May 2, 2007, Pickett Ranch & Sheep Company and the United States, with IDWR's concurrence, filed *Amended Claim Standard Forms 5* adding a quantity remark and amending period of use. The parties also agreed to add the following remark:

The operation, use, and administration of this water right is also subject to the terms and conditions of the stipulation and joint motion for order approving stipulation entered into on August 29, 2002, between the United States of America and Pickett Ranch and Sheep Company filed in the office of the Cassia County Recorder and recorded on June 6, 2003 as instrument no: 289179.

Conclusions of Law

Pickett Ranch & Sheep Company is entitled to partial decrees adjudicating water rights as described in the *Amended Claim SF-5's* and the attached *Special Master*

Recommendations for Partial Decrees for Water Rights 45-13654, 45-13655 and 45-13656.

DATED July 11, 2007.

A handwritten signature in cursive script, reading "Terrence A. Dolan".

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 45-13654

2007 JUL 11 PM 2:33
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: PICKETT RANCH & SHEEP CO
1650 S 570 W
OAKLEY, ID 83346

SOURCE: WEST FORK DRY CREEK TRIBUTARY: DRY CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.
THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-12282 AND IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A
TOTAL COMBINED QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/30/1880

POINT OF DIVERSION: T13S R19E S04 LOT 2 (SWNWNE) (Instream Ending Point) Within Cassia County
S15 SESWSE (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-01 TO 10-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Cassia County
	T13S R19E S04 LOT 2	(NWNE)	SWNE
		NWSE	SWSE
		SESE	
	S09	NENE	SENE
	S10	SWNW	NWSW
		SESW	
	S15	NENW	SENW
		NESW	SWSE

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

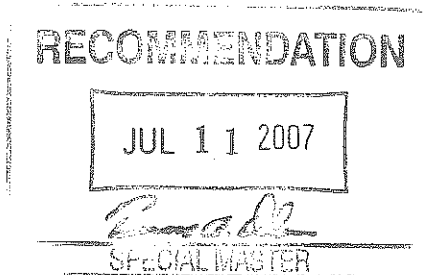
The quantity of water decreed for this water right is not a
determination of historical beneficial use.

THE OPERATION, USE AND ADMINISTRATION OF THIS WATER RIGHT IS
ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND
JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON
AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND JOE
TUGAW FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND
RECORDED ON JUNE 6, 2003 AS INSTRUMENT NO: 289179.

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

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 45-13655

2007 JUL 11 PM 2:33
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: PICKETT RANCH & SHEEP CO
1650 S 570 W
OAKLEY, ID 83346

SOURCE: BUCK CORRAL CREEK TRIBUTARY: TRAPPER CREEK
FALL CREEK TRIBUTARY: TRAPPER CREEK
FLATIRON CREEK TRIBUTARY: TRAPPER CREEK
TRAPPER CREEK TRIBUTARY: GOOSE CREEK
UNNAMED STREAM TRIBUTARY: FALL CREEK
UNNAMED STREAM TRIBUTARY: TRAPPER CREEK
PICKETT SPRING CREEK TRIBUTARY: DRY FORK
WATER CANYON CREEK TRIBUTARY: BADGER CREEK
BADGER GULCH SPRING TRIBUTARY: BADGER CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.
THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-12127A,
45-12127B, 45-12127C AND 45-12164 AND IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL COMBINED QUANTITY
OF 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/30/1879

POINT OF DIVERSION: T14S R19E S35 SWSWSW (Instream Beginning Point) Within Cassia County
R20E S32 NWNESW (Instream Beginning Point)
T15S R19E S09 NWNESW (Instream Ending Point)
S11 NWNWSE (Instream Beginning Point)
S12 SWSWSE (Instream Beginning Point)
S13 NWNENE (Instream Ending Point)
R20E S05 SWNWNE (Instream Ending Point)
S08 NWSWNE (Instream Ending Point)
S08 NWNWSW (Instream Ending Point)
S08 SWSENE (Instream Ending Point)
S18 LOT 3 SWSWNW (Instream Beginning Point)
S19 (SENWSW) (Instream Beginning Point)
LOT 3 SESWNE (Instream Ending Point)
S21 (SENWSW) (Instream Ending Point)
S21 NESWNW (Instream Ending Point)
S27 SWSWNW (Instream Beginning Point)
S30 NENWSE (Instream Beginning Point)
S32 SWSWNE (Instream Beginning Point)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Stockwater 06-01 TO 11-30 0.02 CFS

PLACE OF USE: Stockwater Within Cassia County
T14S R19E S35 SWSW
R20E S32 NESW SESW
T15S R19E S01 NESW NWSW
SESW SWSE
SESE
S02 SWNE SENE
LOT 3 (NENW) LOT 4 (NWNW)
SENW NESE
S11 NENE NWNE

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

PLACE OF USE (continued)

	SWNE	NWSE
	SWSE	SESE
S12	NENE	SWNE
	SENE	NENW
	NWNW	SWSW
S13	NWNE	NENW
R20E S05	SWNE	LOT 3 (NENW)
	SWNW	SESW
	NESW	NWSW
S06	NESW	LOT 7 (SWSW)
	SESW	NESE
	NWSE	SESE
S08	SWNE	SENE
	SWNW	SESW
S09	SESW	LOT 1 (NESE)
	SWSE	SESE
S16	NENW	SESW
	NESW	SESW
S18 LOT 3	(NWSW)	LOT 4 (SWSW)
	SESW	
S19	SWNE	NENW
LOT 3	(NWSW)	LOT 4 (SWSW)
	SESW	
S20	NESE	
S21	NENW	NWNW
	SWNW	SESW
	NESW	NWSW
	SWSW	SWSE
	SESE	
S27	SWNW	
S28	NENE	SENE
	NWNW	SWNW
S29	SENE	NESE
	NWSE	SWSE
S30	SWNE	NENW
	SESW	NWSE
S32	NWNE	SWNE

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

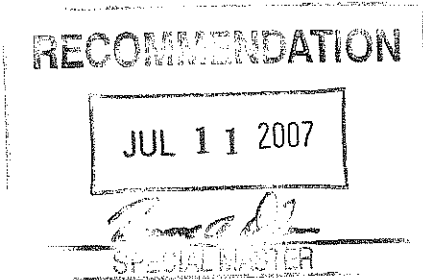
The quantity of water decreed for this water right is not a determination of historical beneficial use.

THE OPERATION, USE AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND JOE TUGAW FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 6, 2003 AS INSTRUMENT NO: 289179.

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

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 45-13656

2007 JUL 11 PM 2:34
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: PICKETT RANCH & SHEEP CO
1650 S 570 W
OAKLEY, ID 83346

SOURCE: LITTLE WILLOW CREEK TRIBUTARY: TROUT CREEK
SWANTY CREEK TRIBUTARY: TROUT CREEK
TROUT CREEK TRIBUTARY: GOOSE CREEK
WILLOW CREEK TRIBUTARY: TROUT CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.
THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-12053 AND
45-12055 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02
CFS AND A TOTAL COMBINED QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/30/1879

POINT OF DIVERSION:	T15S R19E S10	SENWSE (Instream Beginning Point) Within Cassia County
	S34	SENENE (Instream Beginning Point)
	S36	SENESW (Instream Ending Point)
		SWSESW (Instream Ending Point)
	R20E S31	SWSWNE (Instream Beginning Point)
	S32	NWSWSW (Instream Beginning Point)
	T16S R19E S01	SWNWSE (Instream Ending Point)
	R20E S07	NWNENE (Instream Ending Point)

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 11-30	

PLACE OF USE:	Stockwater		Within Cassia County
	T15S R19E S10	NESE	NWSE
		SESE	
	S11	SWSW	
	S14	NWNW	SWNW
		NWSW	SWSW
	S23	NWNW	SWNW
		NESW	NWSW
		SESW	
	S26	SWNE	NENW
		SENW	NWSE
		SWSE	SESE
	S34	NENE	SENE
	S35	NENE	SENE
		SWNW	SENW
		NESW	NWSE
		SWSE	
	S36	SWNE	SENE
		NESW	SESW
		NESE	NWSE
	R20E S31	SWNE	SENW
		NESW	LOT 3 (NWSW)
	S32	SWSW	
	T16S R19E S01	NWNW	SWNW
		SENW	NESW
		NWSE	

PLACE OF USE (continued)

S02	NENE	NWNE
R20E S05	NWNW	SWNW
S06	SENE	NESE
	SESE	
S07	NENE	

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

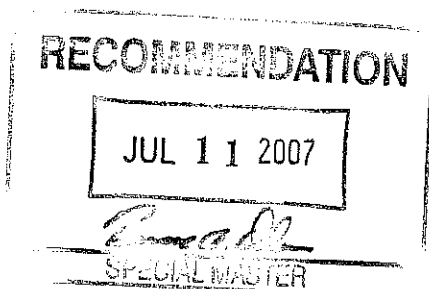
The quantity of water decreed for this water right is not a determination of historical beneficial use.

THE OPERATION, USE AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND JOE TUGAW FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 6, 2003 AS INSTRUMENT NO: 289179.

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

2007 JUL 11 PM 2:34

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

CERTIFICATE OF MAILING

Water Right(s): 45-13654
45-13655 45-13656

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 July 11, 2007, with sufficient first-class postage prepaid to the following:

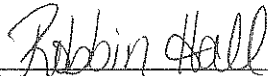
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDA FOREST SERVICE
Represented by:
DAVID NEGRI
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
07/11/07

PICKETT RANCH & SHEEP CO
Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 207-733-0700



ROBBIN HALL
Deputy Clerk

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA
Case No. 39576

Water Right(s): 45-13654
45-13655 45-13656

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