

2007 JUL 19 AM 11: 55
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 74-724, 74-15740
	)	(Eagle Valley Ranch LLC) and
Case No. 39576	)	74-15741 (USDI / BLM)
	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended claim 74-724 to Eagle Valley Ranch LLC, 446 Bohannon Creek Road, Salmon, Idaho, 83467, for .77 cfs from Wimpey Creek to irrigate 39 acres in Lemhi County from March 15 to November 15 with a priority date of April 1, 1961, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* in subcase 74-724 on June 29, 2006, objecting to place of use.

On May 9, 2007, Eagle Creek Ranch LLC and the United States filed a *Stipulation to Resolve Objection* in subcase 74-724 agreeing to split the claim into two new claims: 74-15740 (Eagle Creek Ranch LLC) and 74-15741 (USDI / BLM). The same date, the parties, with IDWR's concurrence, filed a *Standard Form 5* in accordance with their *Stipulation*. The parties also agreed that claim 74-724 would be disallowed.

Conclusions of Law

Eagle Creek Ranch LLC and the United States are entitled to partial decrees adjudicating water rights for claims 74-15740 and 74-15741 as described in the *SF-5* and

the attached *Special Master Recommendations for Partial Decrees for Water Rights 74-15740 and 74-15741*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 74-724 be **disallowed** having been split into 74-15740 and 74-15741.

DATED July 19, 2007.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath.

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 74-15740

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NAME AND ADDRESS: EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON, ID 83467

SOURCE: WIMPEY CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.71 CFS

PRIORITY DATE: 04/01/1961

POINT OF DIVERSION: T21N R23E S12 SWNE (Injection) Within Lemhi County
SENW (Rediversion)
R24E S05 SENW
S06 SESW (Injection)
S07 NWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.71 CFS

PLACE OF USE: Irrigation Within Lemhi County
T21N R13E S12 SWNW 28.0 NWSW 8.0
36.0 Acres Total

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

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

JUL 19 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-15741

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

SOURCE: WIMPEY CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.06 CFS

PRIORITY DATE: 04/01/1961

POINT OF DIVERSION: T21N R23E S12 SWNE (Injection) Within Lemhi County
SENW (Rediversion)
R24E S05 SENW
S06 SESW (Injection)
S07 NWSE

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 0.06 CFS

PLACE OF USE: Irrigation Within Lemhi County
T21N R23E S12 SENW 3.0
3.0 Acres Total

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

RECOMMENDATION

JUL 19 2007

SPECIAL MASTER

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 74-00724
74-15740 74-15741

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 19, 2007, with sufficient first-class postage prepaid to the following:

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

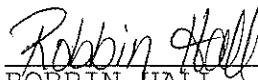
EAGLE VALLEY RANCH LLC
Represented by:
KENT W FOSTER
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

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

CERTIFICATE OF MAILING

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07/19/07

EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON, ID 83467



ROBBIN HALL
Deputy Clerk

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Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

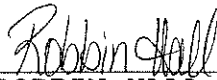
Water Right(s): 74-00724
74-15740 74-15741

On July 19, 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 July 19, 2007.



ROBBIN HALL
Deputy Clerk