

2007 AUG 23 PM 1:45

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 74-311, 74-958, 74-959, 74-960 and
	)	74-1839
Case No. 39576	)	(Far Niente Ranch LLC)
	)	
_____	)	SPECIAL MASTER REPORT

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 claims 74-311, 74-958, 74-959, 74-960 and 74-1839 to Melissa and Mark McKinney for 4.5 cfs, 3 cfs, 1.83 cfs, 1.14 cfs and .28 cfs from Yearian Creek and the Lemhi River for irrigation storage and to irrigate 139.7 acres, 149.5 acres, 61 acres, 37.7 acres and 14 acres in Lemhi County from March 15 to November 15 and for year-'round irrigation storage with priority dates of June 1, 1874, April 1, 1912, November 20, 1902, April 1, 1880, and January 1, 1909, based on a decree.

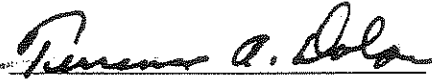
The United States of America, Department of Interior, Bureau of Land Management filed *Objections* in subcases 74-958 and 74-1839 on June 30, 2006, objecting to place of use. IDWR identified 74-311, 74-959 and 74-960 as uncontested overlapping claims.

On June 1, 2007, IDWR filed a *Notice of Completed Administrative Proceeding* with the new claimant as Far Niente Ranch LLC, P.O. Box 135, Holt, California, 95234. On August 9, 2007, Far Niente Ranch LLC and the United States, with IDWR's concurrence, filed *Standard Form 5's* in subcases 74-958 and 74-1839 agreeing to add the remark: "Place of use does not include federal public lands."

Conclusions of Law

Far Niente Ranch LLC is entitled to partial decrees adjudicating water rights for claims 74-311, 74-958, 74-959, 74-960 and 74-1839 as recommended by IDWR and as described in the *SF-5*'s and the attached *Special Master Recommendations for Partial Decrees for Water Rights 74-311, 74-958, 74-959, 74-960 and 74-1839*.

DATED August 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-00311

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: FAR NIENTE RANCH LLC
PO BOX 135
HOLT, CA 95234

SOURCE: YEARIAN CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 4.50 CFS

Not to exceed 4.5cfs when combined with right 74-1839

PRIORITY DATE: 06/01/1874

POINT OF DIVERSION: T18N R24E S35 SESE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	4.50 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T17N R24E S02 LOT 4 (NWNW) 11.0	SWNW 8.0
	S03 SWNE 8.0	SENE 24.0
	NESW 22.0	NWSE 35.0
	SWSE 31.0	
	S10 NWNE 1.0	
	140.0 Acres Total	

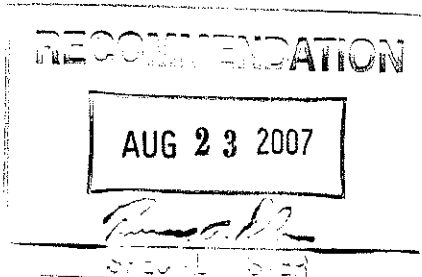
This right authorizes the irrigation of 139.7 total acres.

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

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 74-00958

2007 AUG 23 PM 1:45
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: FAR NIENTE RANCH LLC
PO BOX 135
HOLT, CA 95234

SOURCE: YEARIAN CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 3.00 CFS
28.00 APY

PRIORITY DATE: 04/01/1912

POINT OF DIVERSION: T18N R24E S13 SWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.00 CFS
	Irrigation Storage	01-01 TO 12-31	28.00 APY
	Irrigation from Storage	03-15 TO 11-15	28.00 APY

PLACE OF USE: Irrigation Within Lemhi County

T17N R24E S02 LOT 3 (NENW) 1.0	LOT 4 (NWNW) 11.0
SWNW 8.0	
S03 SWNE 8.0	SENE 24.0
NESW 22.0	SESW 5.0
NWSE 35.0	SWSE 31.0
SESE 4.0	
S10 NWNE 1.0	
150.0 Acres Total	

Irrigation from Storage Within Lemhi County
Same as Irrigation

This right authorizes the irrigation of 149.5 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

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

AUG 23 2007

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-00959

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: FAR NIENTE RANCH LLC
PO BOX 135
HOLT, CA 95234

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 1.83 CFS

PRIORITY DATE: 11/20/1902

POINT OF DIVERSION: T17N R24E S10 NESE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.83 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T17N R24E S10	NWNE 3.0 SWNE 29.0
		SENE 3.0 SWNW 4.0
		SENE 22.0
	61.0 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
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

AUG 23 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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 74-00960

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: FAR NIENDE RANCH LLC
PO BOX 135
HOLT, CA 95234

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 1.14 CFS

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION: T17N R24E S14 SWNE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.14 CFS

PLACE OF USE: Irrigation Within Lemhi County
T17N R24E S10 NWNE 21.0 SWNE 4.0
SENE 12.0
37.0 Acres Total

This right authorizes the irrigation of 37.7 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
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

AUG 23 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 74-01839

2007 AUG 23 PM 1:45

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: FAR NIENTE RANCH LLC
PO BOX 135
HOLT, CA 95234

SOURCE: YEARIAN CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.28 CFS
Not to exceed 4.5 cfs when combined with right 74-311

PRIORITY DATE: 01/01/1909

POINT OF DIVERSION: T18N R24E S35 SESE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.28 CFS

PLACE OF USE: Irrigation Within Lemhi County
T17N R24E S02 LOT 3 (NENW) 1.0
S03 LOT 1 (NENE) 4.0
SESE 4.0
14.0 Acres Total

This right authorizes the irrigation of 14.1 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
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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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RECOMMENDATION

AUG 23 2007

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

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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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 74-00311

74-00958 74-00959 74-00960
74-01839

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 August 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

FAR NIENTE RANCH LLC
PO BOX 135
HOLT, CA 95234

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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08/23/07

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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In Re SRBA)
)
Case No. 39576)
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Water Right(s): 74-00311

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