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OCT 10 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - 3RD
TWIN FALLS CO., IDAHO
FILED _____

2007 OCT 5 AM 10 35

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-03285A,
) 63-03321A, and 63-05207

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

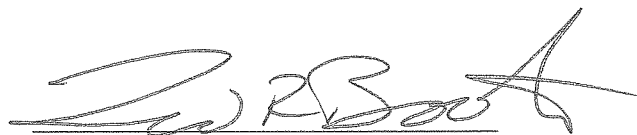
On April 21, 2006, the claimant of the water rights, Cartwright Ranch LLC, through its attorney John Marshall, filed objections to the *Director's Report* for each claim. Regarding water right 63-05207, IDWR filed an *Amended Director's Report* on July 16, 2007. No objections were filed thereto, and the time for filing objections has expired. Regarding water rights 63-03285A and 63-03321A, on October 2, 2007, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each of the subcases, which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-03285A, 63-03321A, and 63-05207 be **decreed** with

the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Oct. 5, 2007

A handwritten signature in black ink, appearing to read 'T. R. Booth', with a long horizontal flourish extending to the right.

Theodore R. Booth
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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-05207

2007 OCT 5 AM 10 35

NAME AND ADDRESS: CARTWRIGHT RANCH LLC
485 E RIVERSIDE DR STE 100
EAGLE, ID 83616

SOURCE: DRY CREEK TRIBUTARY: BOISE RIVER
SPRING TRIBUTARY: DRY CREEK

QUANTITY: 2.72 CFS

The rights listed below are limited to a total combined
diversion rate of 2.63 cfs. Combined Right Nos.: 63-3321A,
63-3285A and 63-5207.

PRIORITY DATE: 01/01/1908

POINT OF DIVERSION: T04N R02E S04 SESW Within Ada County
NWSW (Instream Ending Point)
S09 SWNW (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	2.60 CFS
	Irrigation Storage	01-01 TO 12-31	0.75 AFY
	Irrigation from Storage	03-01 TO 11-15	0.75 AFY
	Stockwater	01-01 TO 12-31	1.20 CFS
	Stockwater Storage	01-01 TO 12-31	0.75 AFY
	Stockwater from Storage	01-01 TO 12-31	0.75 AFY

PLACE OF USE:			
	Irrigation		Within Ada County
	T04N R02E S04	NWSW 14.1	SWSW 1.3
		SESW 10.0	
	S05	SWNE 30.4	SENE 11.2
		SWNW 1.0	SENE 20.0
		NESE 28.0	NWSE 11.5
		SESE 2.5	
	130.0 Acres Total		

Irrigation Storage	Within Ada County
Same as Irrigation	
Irrigation from Storage	Within Ada County
Same as Irrigation	
Stockwater	Within Ada County
T04N R02E S04	NWSW
Stockwater Storage	Within Ada County
Same as Irrigation	
Stockwater from Storage	Within Ada County
Same as Irrigation	

The rights listed below are limited to the irrigation of a
combined total of 131.6 acres in a single irrigation season.
Combined Right Nos.: 63-3321A, 63-3285A and 63-5207.

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

OTHER PROVISIONS (continued)

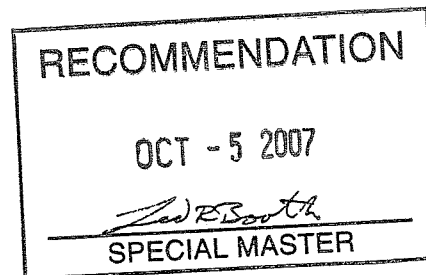
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2007 OCT 5 AM 10 35

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-03321A

NAME AND ADDRESS: CARTWRIGHT RANCH LLC
485 E RIVERSIDE DR STE 100
EAGLE, ID 83616

SOURCE: GROUND WATER

QUANTITY: 0.64 CFS
139.50 AFY

Rights 63-3321A and 63-3285A when combined shall not exceed a
total diversion rate of 1.20 cfs, a total annual maximum
diversion volume of 428.28 af.
The rights listed below are limited to a total combined
diversion rate of 2.63 cfs. Combined Right Nos.: 63-3285A,
63-3321A, 63-5207.

PRIORITY DATE: 12/03/1962

POINT OF DIVERSION: T04N R02E S05 SENE Within Ada County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 0.64 CFS
139.50 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT
EXCEEDED. THE USE OF WATER BEFORE MARCH 15 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 Ada County
T04N R02E S05 SWNE 13.0 SENE 4.0
SENE 2.0 NESE 10.0
NWSE 2.0
31.0 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 131.6 acres in a single irrigation season.
Combined Right Nos.: 63-3285A, 63-3321A, 63-5207.
Right Nos. 63-3285A and 63-3321A are limited to the irrigation of
a combined total of 110.6 acres in a single irrigation season.

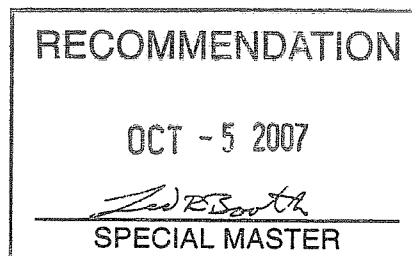
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 63-03285A

2007 OCT 5 AM 10 35

NAME AND ADDRESS: CARTWRIGHT RANCH LLC
485 E RIVERSIDE DR STE 100
EAGLE, ID 83616

SOURCE: GROUND WATER

QUANTITY: 0.56 CFS
288.78 AFY

The rights listed below are limited to a total combined diversion rate of 2.63 cfs. Combined Right Nos.: 63-3285A, 63-3321A, 63-5207. Rights 63-3321A and 63-3285A, when combined, shall not exceed a total diversion rate of 1.20 cfs, a total annual maximum diversion volume of 428.28 af.

PRIORITY DATE: 04/12/1962

POINT OF DIVERSION: T04N R02E S05 SENE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.56 CFS 288.78 AFY

PLACE OF USE:	Irrigation	Within Ada County
	T04N R02E S05	SENE 17.6 NESE 26.0
		SWNE 31.0 SENW 21.0 NWSE 15.0
	110.6 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 131.6 acres in a single irrigation season. Combined Right Nos.: 63-3285A, 63-3321A, 63-5207. Right Nos. 63-3285A and 63-3321A are limited to the irrigation of a combined total of 110.6 acres in a single irrigation season.

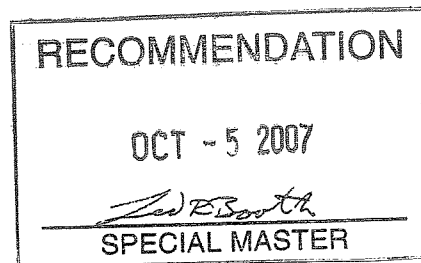
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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

2007 OCT 5 AM 10 35

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

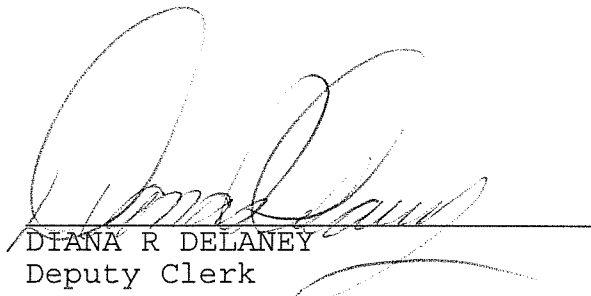
Water Right(s): 63-03285A
63-03321A 63-05207

On October 05, 2007, Special Master THEODORE R. BOOTH 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 October 05, 2007.


DIANA R DELANEY
Deputy Clerk

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

2007 OCT 5 AM 10 35

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)
_____)

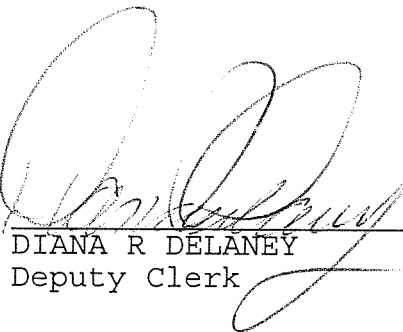
Water Right(s): 63-03285A
63-03321A 63-05207

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 October 05, 2007, with sufficient first-class postage prepaid to the following:

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

CARTWRIGHT RANCH LLC
Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
10/05/07