

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 45-00247

2007 OCT 18 PM 1:21  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: SIX S RANCH LLC  
PO BOX 1760  
EAGLE, ID 83616

SOURCE: BRIM CREEK TRIBUTARY: LAND CREEK  
WHITE PINE CANYON CREEK TRIBUTARY: LAND CREEK

QUANTITY: 2.10 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN  
.02 CFS PER ACRE. COMBINED RIGHT NOS. 45-219, 45-220, 45-232,  
45-247, 45-248, 45-250B, 45-266B, 45-278, 45-288, 45-289,  
45-296, and 45-297.

PRIORITY DATE: 04/12/1892

POINT OF DIVERSION: T12S R24E S13 SWNESE Within Cassia County  
SENWSE  
S24 SENWNW

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
|                | Irrigation     | 04-01 TO 10-31 | 2.10 CFS |

The use of water for irrigation under this right may begin as  
early as March 15 provided other elements of the right are not  
exceeded. The use of water before April 1 under this remark is  
subordinate to all water rights having no subordinated early  
irrigation use and a priority date earlier than the date a  
partial decree is entered for this right.

| PLACE OF USE:     | Irrigation | Within Cassia County |
|-------------------|------------|----------------------|
| T12S R24E S13     | SWNE 40.0  | SENE 39.0            |
|                   | NWNW 13.0  | SWNW 35.0            |
|                   | SENW 40.0  | NESW 39.0            |
|                   | NWSW 39.0  | SWSW 39.0            |
|                   | SESW 39.0  | NESE 10.0            |
|                   | NWSE 38.0  | SWSE 9.7             |
| S14               | SENE 11.0  | NESW 1.9             |
|                   | SESW 16.0  | NESE 37.0            |
|                   | NWSE 30.0  | SWSE 40.0            |
|                   | SESE 40.0  |                      |
| S23               | NENE 19.0  | NWNE 28.0            |
|                   | NENW 31.0  | SWNW 0.9             |
|                   | SENW 4.8   |                      |
| S24               | NENW 11.0  | NWNW 19.0            |
| 670.3 Acres Total |            |                      |

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 670.3 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS. 45-219, 45-220, 45-232, 45-247, 45-248,  
45-250B, 45-266B, 45-278, 45-288, 45-289, 45-296, and 45-297.  
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 127 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS. 45-247, and 45-297.  
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 127 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE 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.

OCT 18 2007

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

RECEIVED

OCT 19 2007

DEPARTMENT OF  
WATER RESOURCES

2007 OCT 18 PM 1:21

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 45-219, 45-220, 45-232, 45-247,  
Case No. 39576 ) 45-248, 45-266B, 45-278, 45-288, 45-289,  
 ) 45-296, 45-297 (Six S Ranch LLC) and  
 ) 45-327D (Albion Ranch 2006 LLC)  
 )  
 ) 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 claims 45-219, 45-220, 45-232, 45-247, 45-248, 45-266B, 45-278, 45-288, 45-289, 45-296, 45-297 (plus 45-250B) to Emery Ranch LC for between .46 cfs and 3.7 cfs from Land Creek, Brim Creek and White Pine Canyon Creek to irrigate a combined total of 670.3 acres in Cassia County from April 1 to October 31 with priority dates between June 15, 1875, and April 12, 1892, based on a decree.

The Director recommended claim 45-327D to Helen and Richard Anderson for .7 cfs from Howell Creek to irrigate a combined total of 378 acres in Cassia County from April 1 to October 31 with a priority date of March 1, 1881, based on a decree.

On October 8, 2004, IDWR filed a *Notice of Completed Administrative Proceeding* in multiple claims, including subcases 45-219, 45-220, 45-232, 45-247, 45-248, 45-266B, 45-278, 45-288, 45-289, 45-296 and 45-297, for a substitution of party with Six S Ranch LLC, P.O. Box 1760, Eagle, Idaho, 83616, as the new claimant.

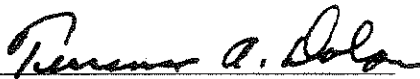
On May 4, 2006, IDWR filed a *Notice of Completed Administrative Proceeding* in subcase 45-327D for a substitution of party with Albion Ranch 2006 LLC, 7595 E. McDonald Drive, Suite 130, Scottsdale, Arizona, 85250, as the new claimant.

IDWR identified all 12 of the above subcases as uncontested claims overlapping with contested claims 45-210, 45-314, 45-316 and 45-525 which were decreed disallowed or partially decreed to Six S Ranch LLC between July 19, 2006, and February 2, 2007.

### **Conclusions of Law**

The Six S Ranch and Albion Ranch 2006 LLC are entitled to partial decrees adjudicating water rights for claims 45-219, 45-220, 45-232, 45-247, 45-248, 45-266B, 45-278, 45-288, 45-289, 45-296, 45-297 (Six S Ranch LLC) and 45-327D (Albion Ranch 2006 LLC) as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-219, 45-220, 45-232, 45-247, 45-248, 45-266B, 45-278, 45-288, 45-289, 45-296, 45-297 and 45-327D*.

DATED October 18, 2007.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

2007 OCT 18 PM 1:22

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): 45-00219  
(SEE ATTACHED EXHIBIT A)

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 18, 2007, with sufficient first-class postage prepaid to the following:

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

SIX S RANCH LLC  
SIX X RANCH LLC  
PO BOX 1760  
EAGLE, ID 83616

CERTIFICATE OF MAILING

PAGE 1  
10/18/07

ALBION RANCH 2006 LLC  
7595 EAST MCDONALD DR STE 130  
SCOTTSDALE, AZ 85250

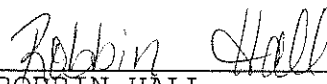
  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

Exhibit A

Subcase Nos:

45-00219  
45-00220  
45-00232  
45-00247  
45-00248  
45-00266B  
45-00278  
45-00288  
45-00289  
45-00296  
45-00297  
45-00327D

2007 OCT 18 PM 1:22

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 )  
 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 45-00219  
(SEE ATTACHED EXHIBIT A)

On October 18, 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 October 18, 2007.

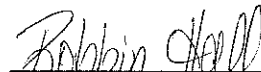
  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

Exhibit A

Subcase Nos:

45-00219  
45-00220  
45-00232  
45-00247  
45-00248  
45-00266B  
45-00278  
45-00288  
45-00289  
45-00296  
45-00297  
45-00327D