

DEC 13 2007
DEPARTMENT OF
WATER RESOURCES

2007 DEC 12 PM 2:03
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 74-347, 74-393, 74-410, 74-1650,
	)	74-1810, 74-2025B, 74-15818, 74-15819,
Case No. 39576	)	74-15820 and 74-15821
	)	(Y Livestock Ranch / State of Idaho)
	)	
	)	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 claims 74-393 and 74-410 to Y Livestock Ranch, P.O. Box 5023, Twin Falls, Idaho, 83303-5023, for 2 cfs from springs and .8 cfs from Big Eightmile Creek to irrigate 94 acres and 138 acres in Lemhi County from March 15 to November 15 with priority dates of April 1, 1914, and March 2, 1895, based on a decree.

The State of Idaho, Department of Lands, 954 W. Jefferson, P.O. Box 83720, Boise, Idaho, 83720-0050, filed *Objections* on June 30, 2006, in subcases 74-393 and 74-410 objecting to place of use.

On November 29, 2007, Y Livestock and the State, with IDWR's concurrence, filed a *Standard Form 5* splitting 74-393 into 74-15818 (Y Livestock) and 74-15819 (State and Y Livestock). The same date, the parties filed another *SF-5* splitting 74-410 into 74-15820 (Y Livestock) and 74-15821 (State and Y Livestock).

IDWR identified claims 74-347, 74-1650, 74-1810 and 74-2025B (Y Livestock) as uncontested overlapping claims.

Conclusions of Law

1. Y Livestock Ranch is entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the *SF-5's* and the attached *Special Master*

Recommendations for Partial Decrees for Water Rights 74-347, 74-1650, 74-1810, 74-2025B, 74-15818 and 74-15820.

2. The State of Idaho and Y Livestock Ranch are entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 74-15819 and 74-15821.*

3. Claims 74-393 and 74-410 should **not** be decreed as water rights having been split.

Recommendation

THEREFORE, IT IS RECOMMENDED that claims 74-393 and 74-410 **not** be decreed.

DATED December 12, 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 74-00347

NAME AND ADDRESS: Y LIVESTOCK RANCH
PO BOX 5023
TWIN FALLS, ID 83303-5023

SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 1.66 CFS

PRIORITY DATE: 03/26/1887

POINT OF DIVERSION: T16N R25E S21 NESE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.66 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T16N R25E S03	SESW 3.0	
	S09	NENE 4.0	SENE 21.0
	S10	NENW 6.0	NWNW 10.0
	S16	NENE 31.0	NWNE 38.0
		SWNE 12.0	SENE 13.0
	138.0 Acres Total		

This right authorizes the irrigation of 137.2 total acres.

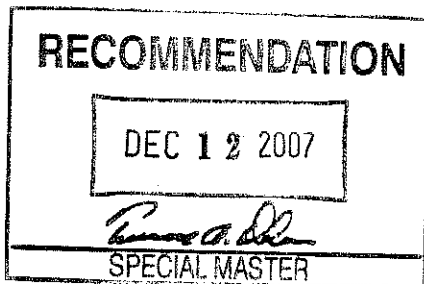
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 74-01650

NAME AND ADDRESS: Y LIVESTOCK RANCH
PO BOX 5023
TWIN FALLS, ID 83303-5023

SOURCE: SPRINGS TRIBUTARY: BIG EIGHTMILE CREEK

QUANTITY: 1.00 CFS

PRIORITY DATE: 06/01/1909

POINT OF DIVERSION: T16N R25E S10 SENENW (Injection) Within Lemhi County
NENENW (Rediversion)
SWSENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.00 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T16N R25E S03	SESW 5.0	SWSE 2.0
	S10	NWNE 25.0	NENW 13.0
	45.0 Acres Total		

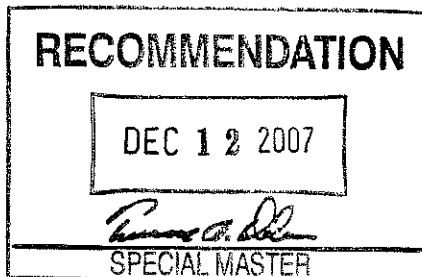
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 74-01810

NAME AND ADDRESS: Y LIVESTOCK RANCH
PO BOX 5023
TWIN FALLS, ID 83303-5023

SOURCE: SPRINGS TRIBUTARY: BIG EIGHTMILE CREEK

QUANTITY: 1.00 CFS

PRIORITY DATE: 06/01/1927

POINT OF DIVERSION: T16N R25E S15 SENW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.00 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T16N R25E S03	SESW 2.7
	S10	NENW 11.0
		SENW 24.0
		NESW 6.7
		NWSW 3.2
	47.6 Acres Total	

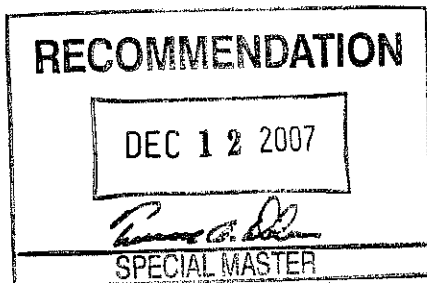
This right authorizes the irrigation of 38.5 total acres.

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 74-02025B

NAME AND ADDRESS: Y LIVESTOCK RANCH
PO BOX 5023
TWIN FALLS, ID 83303-5023

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 1.04 CFS

PRIORITY DATE: 06/20/1908

POINT OF DIVERSION: T16N R25E S11 NWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.04 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T16N R25E S03	NESW 12.0 SWSW 2.0 SWSE 3.0
		NWSW 10.0 SESW 9.0
	36.0 Acres Total	

This right authorizes the irrigation of 35.8 total acres.

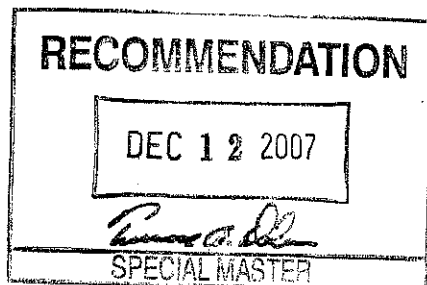
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 74-15818

NAME AND ADDRESS: Y LIVESTOCK RANCH
PO BOX 5023
TWIN FALLS, ID 83303-5203

SOURCE: SPRINGS

QUANTITY: 1.468 CFS

PRIORITY DATE: 04/01/1914

POINT OF DIVERSION: T16N R25E S21 SWNE Within Lemhi County
NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.468 CFS

PLACE OF USE: Irrigation Within Lemhi County
T16N R25E S16 NENE 31.0 NWNE 38.0
69.0 Acres Total

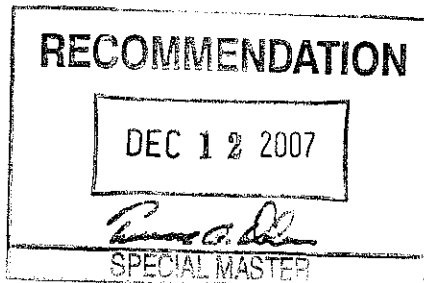
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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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 74-15819

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST
PO BOX 83720
BOISE, ID 83720-0050

Y LIVESTOCK RANCH
PO BOX 5023
TWIN FALLS, ID 83303-5023

SOURCE: SPRINGS

QUANTITY: 0.532 CFS

PRIORITY DATE: 04/01/1914

POINT OF DIVERSION: T16N R25E S21 SWNE Within Lemhi County
NWNW

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	03-15 TO 11-15	0.532 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T16N R25E S16 SWNE 12.4 SENE 13.0	
	25.4 Acres Total	

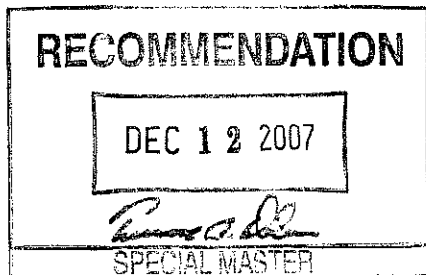
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The ownership of water right No. 74-15819 is governed by a private agreement executed by the Idaho Department of Lands and Y Livestock Ranch.

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

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 74-15820

NAME AND ADDRESS: Y LIVESTOCK RANCH
PO BOX 5023
TWIN FALLS, ID 83303-5023

SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.655 CFS

PRIORITY DATE: 03/02/1895

POINT OF DIVERSION: T16N R25E S21 NESE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.655 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T16N R25E S03	SESW 2.7
	S09	NENE 4.0
	S10	NENW 6.0
	S16	NENE 31.0
	111.8 Acres Total	SENE 21.0 NWNW 9.1 NWNE 38.0

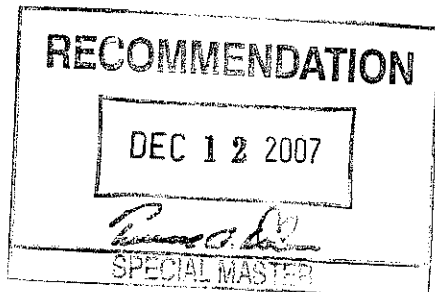
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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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 74-15821

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST
PO BOX 83720
BOISE, ID 83720-0050

Y LIVESTOCK RANCH
PO BOX 5023
TWIN FALLS, ID 83303-5203

SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.145 CFS

PRIORITY DATE: 03/02/1895

POINT OF DIVERSION: T16N R25E S21 NESE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.145 CFS

PLACE OF USE: Irrigation Within Lemhi County
T16N R25E S16 SWNE 12.4 SENE 13.0
25.4 Acres Total

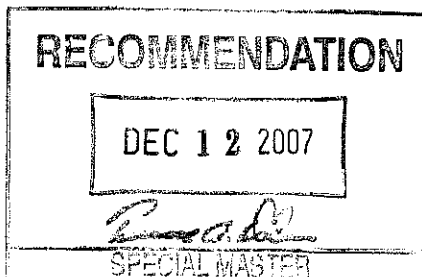
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The ownership of water right NO. 74-15821 is governed by a private agreement executed by the Idaho Department of Lands and Y Livestock Ranch.

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

2007 DEC 12 PM 2:03

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): 74-00347

74-00393	74-00410	74-01650
74-01810	74-02025B	74-15818
74-15819	74-15820	74-15821

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 December 12, 2007, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST
PO BOX 83720
BOISE, ID 83720-0050

CERTIFICATE OF MAILING

PAGE 1
12/12/07

Y LIVESTOCK RANCH
PO BOX 5023
TWIN FALLS, ID 83303-5023
Phone: 208-420-2290

Y LIVESTOCK RANCH
PO BOX 5023
TWIN FALLS, ID 83303-5203



ROBBIN HALL
Deputy Clerk

2007 DEC 12 PM 2:03

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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): 74-00347
74-00393 74-00410 74-01650
74-01810 74-02025B 74-15818
74-15819 74-15820 74-15821

On December 12, 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 December 12, 2007.



ROBBIN HALL
Deputy Clerk