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DEPARTMENT OF  
WATER RESOURCES

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2007 DEC 27 AM 10 02

**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 74-314, 74-317A, 74-2286 and 74- |
|                | ) | 7002B                                     |
| Case No. 39576 | ) | (Shiner Ranch, Inc.)                      |
|                | ) |                                           |
| _____          | ) | 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 claim 74-317A to Shiner Ranch, Inc., P.O. Box 26, Lemhi, Idaho, 83465-0025, for 2.67 cfs from Yearian Creek to irrigate 63 acres in Lemhi County from March 15 to November 15 with a priority date of February 1, 1910, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* in subcase 74-317A on June 29, 2006, objecting to place of use. IDWR identified claims 74-314, 74-2286 and 74-7002B as uncontested overlapping claims.

On November 21, 2007, IDWR filed a *Notice of Completed Administrative Proceeding* in subcase 74-317A for a transfer in place of use. The BLM's *Objection* was dismissed on December 27, 2007.

**Conclusions of Law**

Shiner Ranch, Inc., is entitled to partial decrees adjudicating water rights for claims 74-314, 74-317A, 74-2286 and 74-7002B as recommended by IDWR and as described in the *NCAP* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 74--314, 74-317A, 74-2286 and 74-7002B*.

DATED December 27, 2007

A handwritten signature in black ink, appearing to read "Terrence A. Dolan", written over a horizontal line.

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 74-00314

NAME AND ADDRESS: SHINER RANCH INC  
PO BOX 26  
LEMHI, ID 83465-0025

SOURCE: YEARIAN CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 2.40 CFS

PRIORITY DATE: 01/01/1909

POINT OF DIVERSION: T17N R24E S03 LOT 4 (NWNW ) Within Lemhi County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 2.40 CFS |

| PLACE OF USE: | Irrigation       | Within Lemhi County                 |
|---------------|------------------|-------------------------------------|
|               | T18N R24E S33    | SESW 20.0<br>NWSE 28.0<br>SWSE 26.0 |
|               | 74.0 Acres Total |                                     |

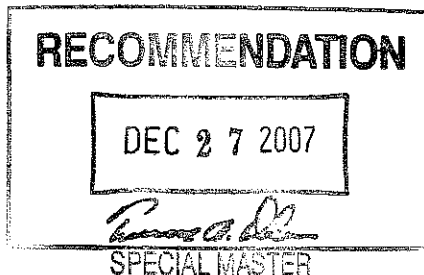
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



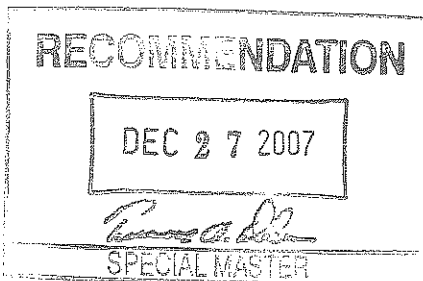
In Re SRBA ) PARTIAL DECREE PURSUANT TO  
) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
)  
) Water Right 74-00317A

QUANTITY: 2.67 CFS

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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 74-02286

NAME AND ADDRESS: SHINER RANCH INC  
PO BOX 26  
LEMHI, ID 83465-0025

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 4.60 CFS

PRIORITY DATE: 02/09/1940

POINT OF DIVERSION: T17N R24E S14 SWNE Within Lemhi County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 4.60 CFS |

| PLACE OF USE: | Irrigation                      | Within Lemhi County |
|---------------|---------------------------------|---------------------|
|               | T17N R24E S04 LOT 2 (NWNE) 10.0 | SWNE 2.0            |
|               | T18N R24E S33 SWNE 2.0          | SWNW 5.0            |
|               | SENE 29.0                       | NESW 40.0           |
|               | NWSW 19.0                       | SWSW 1.0            |
|               | SESW 20.0                       | NWSE 28.0           |
|               | SWSE 26.0                       |                     |
|               | 182.0 Acres Total               |                     |

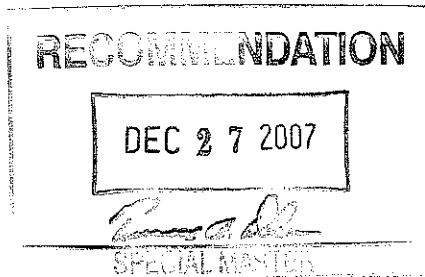
This right authorizes the irrigation of 183.3 total acres.

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

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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 74-07002B

NAME AND ADDRESS: SHINER RANCH INC  
PO BOX 26  
LEMHI, ID 83465-0025

SOURCE: YEARIAN CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 269.30 AFY

The right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/24/1969

POINT OF DIVERSION: T18N R24E S35 SWSE Within Lemhi County  
R25E S18 NESW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY   |
|----------------------------|-------------------------|----------------|------------|
|                            | Irrigation Storage      | 01-01 TO 12-31 | 269.30 AFY |
|                            | Irrigation from Storage | 03-15 TO 11-15 | 269.30 AFY |

The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

| PLACE OF USE: | Irrigation Storage             | Within Lemhi County        |
|---------------|--------------------------------|----------------------------|
|               | T18N R24E S35 SWSE             |                            |
|               | R25E S18 NESW                  | NWSE                       |
|               | Irrigation from Storage        | Within Lemhi County        |
|               | T17N R24E S04 LOT 1 (NENE)12.0 | LOT 2 (NWNE)15.0           |
|               |                                | SWNE 11.0 LOT 5 (SENE) 7.0 |
|               | LOT 3 (NENW)16.0               | SENE 23.0                  |
|               | T18N R24E S33 SWNE 3.0         | SNNW 6.0                   |
|               |                                | SENE 28.0                  |
|               |                                | NESW 39.0                  |
|               |                                | NWSW 17.0                  |
|               |                                | SWSW 10.0                  |
|               |                                | SESE 28.0                  |
|               |                                | SWSE 28.0                  |
|               | S34 NESW 1.0                   | NWSW 15.0                  |
|               |                                | SWSW 7.0                   |
|               |                                | SESE 25.0                  |
|               | S35 SWSE 11.0                  |                            |
|               |                                | SWSW 25.0                  |
|               | 395.0 Acres Total              |                            |

Rights 74-0315, 74-2286, 74-0931, 74-0312, 74-0317B, 74-0313, 74-1794 and 74-7002B when combined shall not exceed the irrigation of 523 acres.

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this

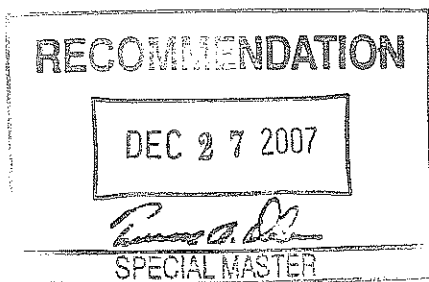
OTHER PROVISIONS (continued)

approval, this water right is within State Water District No. 74-Y.

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 \_\_\_\_\_

2007 DEC 27 AM 10 03

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): 74-00314  
74-00317A 74-02286 74-07002B

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 27, 2007, with sufficient first-class postage prepaid to the following:

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

SHINER RANCH INC  
PO BOX 26  
LEMHI, ID 83465-0025  
Phone: 208-768-2473

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

CERTIFICATE OF MAILING

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12/27/07

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
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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): 74-00314  
74-00317A 74-02286 74-07002B

On December 27, 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 27, 2007.

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