

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 47-17451

NAME AND ADDRESS: MILTON BECKER
VICKY BECKER
936 MILNER ST
BUHL, ID 83316

SOURCE: UNNAMED STREAM TRIBUTARY: MUD CREEK

QUANTITY: 0.28 CFS

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
This right when combined with Twin Falls Canal Co shares shall provide no more than .02 cfs per acre.

PRIORITY DATE: 04/18/1969

POINT OF DIVERSION: T09S R14E S12 SENENW Within Twin Falls County
R15E S07 LOT 2 (SESWNW)

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 Twin Falls County
T09S R14E S12 SWNE 10.9 NESE 0.8
NWSE 14.3
26.0 Acres Total

The rights listed below are limited to the irrigation of a combined total of 26.0 acres in a single irrigation season.
Combined Right Nos.: 47-17449 and 47-17451.

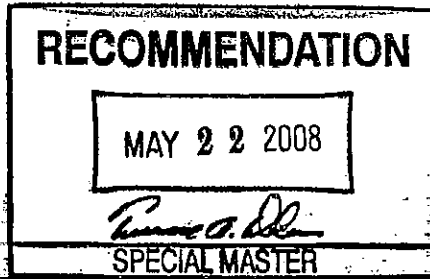
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

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MAY 23 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 22 PM 4: 09

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 47-2457 (47-17448 & 47-17449)
	)	and 47-17409 (47-17450 & 47-17451)
Case No. 39576	)	(Boulder Ridge Ranch LLC & Becker)
	)	
	)	SPECIAL MASTER REPORT AND
	)	RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 12, IDWR Basin 47* on February 2, 2007. The Director recommended claim 47-2457 to Boulder Ridge Ranch LLC, 1434 Pole Line Road East, Twin Falls, Idaho, 83301, for 2 cfs from an unnamed stream to irrigate 218.4 acres in Twin Falls County from April 1 to October 31 with a priority date of December 24, 1964, based on a license. The Director recommended claim 47-17409 to Boulder Ridge Ranch LLC for 2.720 cfs from an unnamed stream for year-'round stock and domestic uses and to irrigate the same 218.4 acres in Twin Falls County from March 15 to November 15 with a priority date of April 18, 1969, based on beneficial use.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* in both subcases on September 18, 2007, objecting to place of use.

IDWR filed *Notices of Completed Administrative Proceedings* in both subcases on November 14, 2007, splitting claim 47-2457 into 47-17448 (Boulder Ridge Ranch LLC) and 47-17449 (Milton and Vicky Becker, 936 Milner Street, Buhl, Idaho, 83316), splitting claim 47-17409 into 47-17450 (Boulder Ridge Ranch LLC) and 47-17451 (Becker) and recommending claims 47-2457 and 47-17409 be disallowed.

The United States filed *Objections* in subcases 47-17448 and 47-17450 on December 24, 2007, again objecting to place of use.

On April 22, 2008, Boulder Ridge Ranch LLC and the United States, with IDWR's concurrence, filed *Standard Forms 5* in subcases 47-17448 and 47-17450 agreeing to add the remark: "Place of use does not include federal public lands."

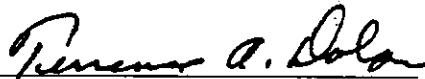
Conclusions of Law

1. Boulder Ridge Ranch LLC is entitled to partial decrees adjudicating water rights for claims 47-17448 and 47-17450 as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 47-17448 and 47-17450*;
2. The Beckers are entitled to partial decrees adjudicating water rights for claims 47-17449 and 47-17451 as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 47-17449 and 47-17451*; and
3. Claims 47-2457 and 47-17409 should be disallowed having been split and renumbered as valid water rights.

Recommendation

THEREFORE, IT IS RECOMMENDED that claims 47-2457 and 47-17409 be disallowed.

DATED May 22, 2008.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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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

CERTIFICATE OF MAILING

Water Right(s): 47-02457
47-17409 47-17448 47-17449
47-17450 47-17451

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 May 22, 2008, 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

BOULDER RIDGE RANCH LLC
1434 POLE LINE RD E
TWIN FALLS, ID 83301
Phone: 208-735-0300

CERTIFICATE OF MAILING

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05/22/08

MILTON BECKER
VICKY BECKER
936 MILNER ST
BUHL, ID 83316



ROBBIN HALL
Deputy Clerk

2008 MAY 22 PM 4:09

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In Re SRBA)

Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

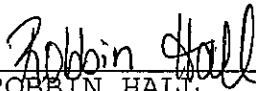
Water Right(s): 47-02457
47-17409 47-17448 47-17449
47-17450 47-17451

On May 22, 2008, 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 May 22, 2008.



ROBBIN HALL
Deputy Clerk