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JUN 20 2008

DEPARTMENT OF
WATER RESOURCES

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	)	Subcase 45-10353
	)	(Shoulder 3 Ranches, Inc., & Matthews)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

The Director of the Idaho Department of Water Resources file his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004. The Director recommended the claim to Keith Warr, Shoulder 3 Ranches, Inc., Luther Gardner, Bill J. Matthews and Eugene Layton for .02 cfs from Birch Spring, Dry Fork Spring, South Cottonwood Creek and Trapper Creek for stockwater use in Cassia County from May 1 to November 30 with a priority date of June 11, 1905, based on beneficial use.

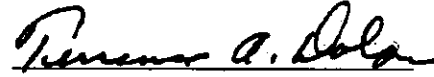
The United States of America, Department of Agriculture, Forest Service filed an *Objection* on October 18, 2004, objecting to quantity and priority date. Bill J. Matthews filed an *Objection* on December 29, 2004, objecting to the same elements.

IDWR filed a *Notice of Completed Administrative Proceeding* on February 7, 2007, for substitution of party in eight subcases, including 45-10353, with the new owners as: Shoulder 3 Ranches, Inc., P.O. Box 218, Oakley, Idaho, 83346, and Eugene Matthews, 1249 S. Highway 27, Oakley, Idaho, 83346. On April 1, 2008, the claimants and the United States, with IDWR's concurrence, filed an *Amended Claim Standard Form 5* agreeing to a period of use from May 1 to October 31, a priority date of April 30, 1879, and certain remarks under quantity and other provisions.

Conclusions of Law

Shoulder 3 Ranches, Inc., and Eugene Matthews are entitled to a partial decree adjudicating a water right as described in the amended claim *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 45-10353*.

DATED June 19, 2008.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

In Re SRBA)
)
Case No. 39576)
)

Water Right 45-10353

DISTRICT COURT-SP3A
TWIN FALLS CO., IDAHO
FILED _____

SOURCE: BIRCH SPRING TRIBUTARY: SINKS
 DRY FORK SPRING TRIBUTARY: SINKS
 SOUTH COTTONWOOD CREEK TRIBUTARY: TRAPPER CREEK
 TRAPPER CREEK TRIBUTARY: GOOSE CREEK

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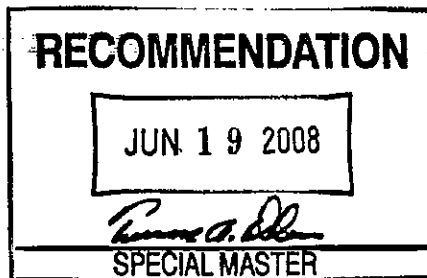
OTHER PROVISIONS (continued)

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND SHOULDER THREE RANCHES INC., KEITH WARR, EUGENE LAYTON, LUTHER GARDNER AND BILL J. MATTHEWS FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 6, 2003 AS INSTRUMENT NO: 289179.

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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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 45-10353

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 June 19, 2008, with sufficient first-class postage prepaid to the following:

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

USDA FOREST SERVICE
Represented by:
DAVID NEGRI
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

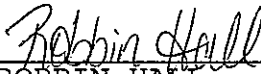
BILL J MATTHEWS
Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

CERTIFICATE OF MAILING

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06/19/08

SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY, ID 83346
Phone: 208-862-3377

EUGENE MATTHEWS
1249 S HWY 27
OAKLEY, ID 83346



ROBBIN HALL
Deputy Clerk

DISTRICT COURT-SKIBA
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Water Right(s) : 45-10353

ROBBIN HALL
Deputy Clerk