

RECEIVED
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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL - 3 2008	
By _____	Clerk _____
Deputy Clerk _____	

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

) Subcases: 55-10288B, 55-10289B,
) 55-10290B, 55-10292B, 55-10293B, 55-
) 10295, 55-10296, 55-10297B, 55-10298, 55-
) 10299B, 55-10300, 55-10303B, 55-13844,
) 55-13846 and 55-13451
)
) MEMORANDUM DECISION ON
) REMAND AND ORDER OF AMENDED
) PARTIAL DECREES
)

I.

BRIEF PROCEDURAL BACKGROUND

This matter comes to the Court on remand from appeal to the Idaho Supreme Court of this Court's *Memorandum Decision and Order on Challenge; Order of Partial Decrees*, subcase nos. 55-10288 *et. al.* (January 3, 2005). See *LU Ranching Co. v. United States*, 144 Idaho 89, 156 P.3d 590 (2007) and companion case *Joyce Livestock Co. v. United States*, 144 Idaho 1, 156 P.3d 502 (2007). Remittitur was issued May 23, 2007.

On remand the parties requested time to attempt to reach an agreement on the various claims. The parties agreed that for any claims where no agreement could be reached, any remaining issues would be submitted to the Court for determination.

On November 1, 2007, LU Ranching Co. (LU) filed *LU Ranching Co.'s Statement on Priority Date*. On November 30, 2007, the United States filed *United States' Response to LU Ranching Co.'s Statement on Priority Date*. On May 19, 2008, the parties filed a *Stipulation* with respect to the claims located on the "Cow Creek Allotment," which includes claim numbers 55-10295, 55-10296, 55-102978B, 55-10298,

MEMORANDUM DECISION ON REMAND AND ORDER OF AMENDED PARTIAL DECREES

55-10299B and 55-10300. The *Stipulation* covers all of the elements of the claims except for period of use. The parties have submitted to the Court for determination the issue of period of use for these claims. On May 19, 2008, LU lodged a *Brief in Support of Amendment of Period of Use*. Also on May 19, 2008, the United States lodged *United States' Memorandum on Period of Use*. No agreement on priority date was reached with respect to the remaining claims.

II. MATTER DEEMED FULLY SUBMITTED FOR DECISION

The last filing and/or lodging occurred in this matter on May 19, 2008. The parties did not request additional briefing, and the Court does not require any additional briefing on this matter. Therefore, this matter is deemed fully submitted for decision the next business day, or May 20, 2008.

III. DISCUSSION

A. The Cow Creek Allotment Claims.

The parties stipulated to all of the elements except period of use for the stockwater claims located on the Cow Creek Allotment. These claims include 55-10295, 55-10296, 55-10297B, 55-10298, 55-10299B and 55-10300.¹ LU argues in its *Brief In Support of Amendment of Period of Use* that the unrebutted evidence at trial established a period of use of April 1 to December 31 for claim numbers 55-10295, 55-10296, 55-10297 and 55-10298, and April 15 to December 31 for claim numbers 55-10299 and 55-10300. LU claimed and the Idaho Department of Water Resources (IDWR) recommended June 15 as the beginning date for both sets of claims. LU now seeks to amend its claims and have *Amended Partial Decrees* issued to conform to the evidence

¹ In the Court's *Memorandum Decision* water right claims 55-10299B and 55-10300 were determined to be in the South Mountain Allotment. However, the parties have stipulated to the priority dates for these claims in conjunction with the Cow Creek Allotment claims.

presented at trial in accordance with I.R.C.P. 15(b). The United States opposes any such amendments.

I.R.C.P. 15(b) provides in relevant part:

When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgment; but failure to amend does not affect the result of the trial of these issues.

I.R.C.P. 15(b). The trial court has wide discretion in permitting amendments of pleadings at any stage of the proceedings to conform to the proof. *Obray v. Mitchell*, 98 Idaho 533, 567 P.2d 1284 (1977); *Cameron Sales, Inc. v. Klemish*, 93 Idaho 451, 454, 463 P.2d 287, 290 (1970). A court also has discretion in determining whether an issue has been tried by the consent of the parties. *Lynch v. Cheney*, 98 Idaho 238, 561 P.2d 380 (1977).

For the reasons set forth below the Court denies the motion to amend the pleadings to change the period of use at this late stage of the proceedings. First, procedurally such an amendment goes well beyond the issues raised in the motion to alter or amend the special master's recommendation and ultimately on challenge to this Court. *SRBA Administrative Order 113.c.* provides that "the issue(s) on challenge may not be amended to include additional issues(s) not specifically identified in the *Notice of Challenge* except on motion and leave of court." Accordingly, any such motion should have been raised initially with the special master prior to this Court reviewing the issues on challenge or at the least the motion to amend should have been brought in conjunction with the challenge proceedings. This matter is now well beyond the challenge proceedings.

Second, the Court does not find that the issue of period of use was impliedly "tried" by the parties. Rather, LU presented some testimony of the period of use in conjunction with presenting its case on the contested elements. Such testimony would have relevance in presenting evidence of historic use in order to establish priority dates for the claims. However, the United States would have had no reason to rebut testimony

of period of use because the recommended period of use element was never contested by the United States, LU, or any other party to the adjudication. The period of use recommended by IDWR was exactly as claimed by LU.

Third, because an enlargement of the period of use enlarges the demand on the source from that which was originally claimed, the granting of such an amendment to the claims would necessarily require the filing of an amended director's report by IDWR. The filing of an amended director's report would open the issue up to new objections by parties to the adjudication who did not object to the shorter period of use originally claimed and recommended. Also, because the Court finds that the issue was not tried in the previous proceedings, the Court would also have to permit the United States the opportunity to object. Given the lengthy procedural history of these subcases, the Court in the exercise of its discretion, declines to reopen the matter to new objections.

Finally, these cases have been before the special master twice, before the presiding judge twice and once to the Idaho Supreme Court and this is the first time in the proceedings LU has raised the issue. The Court finds LU's request to be untimely. Accordingly, the Court will enter *Amended Partial Decrees* as set forth in the *Stipulation* with the period of use as originally claimed by LU and recommended by IDWR.

B. The Claims on Remaining Allotments.

This Court held previously that whether an instream stockwater right located on public land transferred as an appurtenance to patented property (base ranch property after 1934) was a question of fact. The Court then reviewed the evidence of the circumstances surrounding the mesne conveyances of the patented homestead property and in subsequent grazing applications, for acknowledgement by the grantee or applicant of the existence of a water right from which intent to transfer as an appurtenance could be inferred. In *Joyce Livestock v. United States*, 144 Idaho 1, 156 P.3d 502 (2007), the Idaho Supreme Court held that the instream stockwater right water transferred as an appurtenance to patented property a matter of law. *Id.* at 12-13, 156 P.3d at 513-14. Accordingly, the Court need only look at the earliest date that a water right can be established that is associated with a particular parcel of homestead or base ranch

property. The Idaho Supreme Court also held that this Court failed to give consideration to the implications surrounding the issuance of a Class 1 grazing permit to LU's predecessors-in-interest. *LU Ranching Co. v. United States* at 93, 156 P.3d at 594. Specifically, that a Class 1 permit could have only been issued if the applicant had been grazing on the public land for at least five years prior to the enactment of the Taylor Grazing Act. In *Joyce Livestock Co.*, the Idaho Supreme Court held:

[T]he district court failed to give consideration to . . . Class 1 grazing rights. The significance of Class 1 grazing rights was explained by the United States Supreme Court in *Public Lands Council v. Babbitt* . . . 'The rules [for allocating grazing privileges under the Taylor Grazing Act] consequently gave a first preference to owners of stock who also owned 'base property,' *i.e.*, private land (or water rights) sufficient to support their herds, *and who* had grazed the public range during the five years just prior to the Taylor Act's enactment.' A class 1 permit could have been issued. . . only if he had been grazing the public range for at least five years prior to the enactment of the Taylor Grazing Act in 1934.

Id. at 516-17.

1. The South Mountain Allotment Claims.

a. Duncan Homestead Portion, claims 55-10290B and 55-10292B.

In the previous decision this Court set forth in detail the factual history surrounding each of the stockwater claims and will only reiterate herein as may be necessary. In the previous decision this Court ruled that "[g]eneral averments that grazing existed historically by the public at large in a general area are insufficient to establish the existence and transfer of water rights. In proving any beneficial use right by a predecessor-in-interest, a claimant must still establish the existence and scope of the right and then connect the chain of title and appurtenant water rights from the original appropriator to the claimant." *Memorandum Decision and Order on Challenge, Order of Partial Decrees*, subcase nos. 55-10288B *et al.*, 27 (Jan.3, 2005). After again reviewing the record, and applying the holding in *LU Ranching v. United States*, 144 Idaho 89, 156 P.3d 590 (2007), the first evidence of a water right on public land specifically associated with the Duncan homestead arises in connection with the April 7,

1937, grazing application filed by Patrick O'Keefe. This Court held previously that if O'Keefe did not know he had a water right on the public domain prior to the issuance of the grazing permit then factually any water rights located on public land used in conjunction with the Duncan homestead factually could not have been intended to have transferred as an appurtenance. *Memorandum Decision and Order on Challenge* at 31 fn. 16. Accordingly, this Court ruled that stockwater rights had not been previously transferred to O'Keefe and therefore O'Keefe perfected new water rights after the grazing permit was issued. However, because the Supreme Court ruled that any water rights located on public land transfer as a matter of law, the intent to transfer is irrelevant.

O'Keefe states in the permit application that the base lands and water had been used in connection with public domain for the prior 30 years. Exhibit Y, bsn 2009. O'Keefe was issued a Class I grazing preference for grazing on public lands covering portions of water right claims 55-10290B and 55-10292B. As such, the evidence in the record supports a priority of 30 years prior to the date the application was made or April 7, 1907.

b. Mills Homestead Portion, claims 55-13844, 55-13846, 55-10288B, 55-10289B and 55-10293B.

In the *Order of Partial Decrees* the Court split claim 55-10290B into 55-10290B and 55-13844 and claim 55-10292B into 55-10292B and 55-13846 in order to distinguish the portions of the claims related to the Duncan homestead from those related to the Mills homestead. Claims 55-10288B, 55-10289B and 55-10293B are also related to the Mills homestead. Again the first evidence of a water right on public land specifically associated with the Mills homestead arises in connection with the April 7, 1937, grazing application filed by Patrick O'Keefe. O'Keefe's application included eighty acres of the Mills homestead property located in Section 25. Exhibit Y, bsn 2007-2012. The dependent property survey for O'Keefe also included eighty acres of the Section 25 Mills homestead. Exhibit Y, bsn 2062. The Mills homestead was not split until 1913 when the 80 acres located in Section 26 was conveyed to George Kellogg. Exhibit 2, p.74. Whether or not O'Keefe believed he had perfected water rights on the public domain for purposes of transferring such rights, the evidence supports that there was a grazing

operation connected with the entire Mills homestead dating back at least 30 years prior to O’Keefe’s application, which predates the split in 1913. This is also supported by the fact that these remaining portions of the South Mountain Allotment were covered by Class I grazing preferences. Exhibit W, bsn 1074. LU presented the expert testimony of Dr. Chad Gibson who reviewed the adjudication records for Galo Mendieta, the successor-in-interest to O’Keefe, and concluded that grazing on the subject public lands pre-existed the enactment of the Taylor Grazing Act. Tr. pp. 390-91. This testimony was uncontroverted. The United States argues in its briefing that the issuance of a Class I grazing permit is not conclusive that grazing on public lands predated the enactment of the Taylor Grazing Act and has cited examples. Nonetheless, the representations made by O’Keefe in conjunction with the issuance of a Class I grazing permit support the claim that the remainder of the South Mountain Allotment was used in conjunction with the Mills homestead prior to the enactment of the Taylor Grazing Act and dating back to April 7, 1907.

2. The Cliffs Allotment, claims 55-10303B and 55-13451.

Water right claims 55-10303B and 55-13451 are related to the Ewings homestead. George Ewings filed for the homestead application in 1909. Exhibit K, bsn 4211. There was no evidence to suggest that Ewings was involved in the livestock business. Ewings conveyed the homestead property to Clyde Foster on July 16, 1912. Exhibit 2, p. 329. On January 12, 1937, Foster filed a grazing permit application for lands used in the “Pole Creek Unit,” which is located outside of the land covered by the Cliffs Allotment, for the grazing commencing July 1 to September 30. Exhibit 5. Foster states in his application that the base lands were used in connection the public domain for 25 years. Exhibit 5, page 3. The evidence supports that Foster used the Ewings homestead in conjunction with grazing on the public domain as early as 1912, when he purchased the property. The entire area where he grazed his cattle is not specified in the application. However, LU presented the expert testimony of Dr. Chad Gibson who after reviewing BLM documents associated with Don McKay, a successor-in-interest to Foster and who transferred his

interest to LU, concluded that in order for McKay to have received a Class I grazing preference, grazing on the Cliffs allotment must have predated the enactment of the Taylor Grazing Act. Tr. pp. 374-78. The representations made by Foster in conjunction with the issuance of a Class I grazing permit support the claim that the Cliffs Allotment was used in conjunction with the Ewings homestead prior to the enactment of the Taylor Grazing Act and dating back to January 12, 1912.

Water right claim 55-13451 is a spring fed domestic water right. Based on Foster's use of the Cliffs allotment, the Court finds it appropriate to give the same priority date as for 55-10303B.

III. ORDER

Therefore, based on the foregoing, the following are hereby ordered:

1. IT IS HEREBY ORDERED that LU's motion to amend the period of use for water right claims 55-10295, 55-10296, 55-10297B, 55-10298, 55-10299B and 55-10300 is **denied**.

2. IT IS FURTHER HEREBY ORDERED that based on the stipulation of the parties, water right claims 55-10295, 55-10296, 55-10297B, 55-10298, 55-10299B and 55-10300 are hereby **amended and decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

3. IT IS FURTHER HEREBY ORDERED that water right claims 55-10290B, 55-10292B, 55-10288B, 55-10289B and 55-10293B are hereby **amended and decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

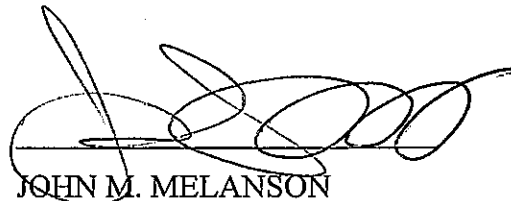
4. IT IS FURTHER HEREBY ORDERED that water right claims 55-10303B and 55-13451 are hereby **amended and decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

IV.
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.

IT IS SO ORDERED

Dated July 3, 2008

A handwritten signature in black ink, appearing to read 'John M. Melanson', is written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
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

AMENDED

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 55-10288B

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL - 3 2008

NAME AND ADDRESS: L U RANCHING
C/O WILLIAM A LOWRY
P O BOX 415
JORDAN VALLEY, OR 97910

SOURCE: LONE TREE CREEK TRIBUTARY: JORDAN CREEK
UNNAMED STREAM TRIBUTARY: LONE TREE CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/07/1907

POINT OF DIVERSION: T07S R06W S35 SENE (Instream Ending Point) Within Owyhee County
T08S R05W S05 NWSW (Instream Beginning Point)
S06 NWSW (Instream Ending Point)
S06 SWNE (Instream Beginning Point)
R06W S01 LOT 1 (NENE) (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-15 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Owyhee County
	T07S R06W S35 SENE	
	T08S R05W S05 NWSW	
	S06 SWNE	LOT 3 (NENW)
	LOT 4 (NWNW)	SENE
	R06W S01 LOT 1 (NENE)	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

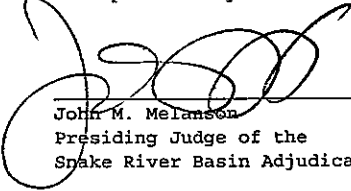
THE USE OF WATER WITHIN THE SENE, SECTION 35, T.07S, R.06W
IS LIMITED TO THE SOUTH MOUNTAIN ALLOTMENT.

PURSUANT TO THE DECISION IN LU RANCHING V. UNITED STATES (144
IDAHO 89, 156 P.3D 590 (IDAHO 2007)), THIS WATER RIGHT IS
APPURTENANT TO REAL PROPERTY THAT IS NOT THE PLACE OF USE.

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

AMENDED

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 55-10289B

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL - 3 2008

NAME AND ADDRESS: L U RANCHING
C/O WILLIAM A LOWRY
P O BOX 415
JORDAN VALLEY, OR 97910

SOURCE: JUNIPER CREEK TRIBUTARY: NORTH FORK OWYHEE RIVER
UNNAMED STREAMS TRIBUTARY: JUNIPER CREEK
UNNAMED STREAMS TRIBUTARY: CHERRY CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/07/1907

POINT OF DIVERSION:	T08S R05W S20	SWNE (Instream Beginning Point) Within Owyhee County
		NESW (Instream Ending Point)
		SESW (Instream Beginning Point)
	S28	NENW (Instream Beginning Point)
		SENW (Instream Ending Point)
	S29	SENW (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-15 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Owyhee County
	T08S R05W S20	SWNE
		SENW
		NESW
	S28	SESW
		NENW
	S29	SENW
		SENW

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

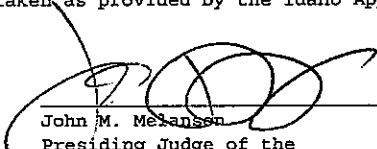
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

PURSUANT TO THE DECISION IN LU RANCHING V. UNITED STATES (144
IDAHO 89, 156 P.3D 590 (IDAHO 2007)), THIS WATER RIGHT IS
APPURTENANT TO REAL PROPERTY THAT IS NOT THE PLACE OF USE.

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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
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
Case No. 39576)
_____)

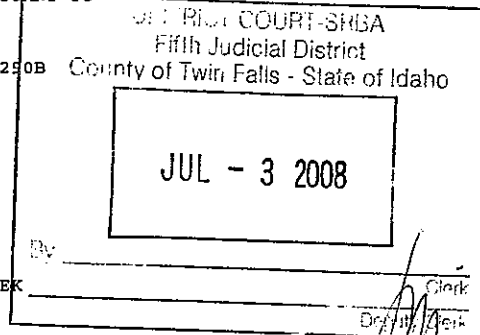
AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 55-10290B County of Twin Falls - State of Idaho

NAME AND ADDRESS: L U RANCHING
C/O WILLIAM A LOWRY
P O BOX 415
JORDAN VALLEY, OR 97910

SOURCE: UNNAMED STREAMS TRIBUTARY: JUNIPER CREEK

QUANTITY: 0.02 CFS



THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/07/1907

POINT OF DIVERSION: T08S R05W S35 LOT 4 (SWSW) (Instream Beginning Point) Within Owyhee County
LOT 4 (SWSW) (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-15 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Owyhee County
T08S R05W S35 LOT 4 (SWSW)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
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AMENDED

In Re SRBA)
Case No. 39576)
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PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 55-10292B

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL - 3 2008

NAME AND ADDRESS: L U RANCHING
C/O WILLIAM A LOWRY
P O BOX 415
JORDAN VALLEY, OR 97910

SOURCE: CABIN CREEK TRIBUTARY: JUNIPER CREEK
UNNAMED STREAMS TRIBUTARY: CABIN CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/07/1907

POINT OF DIVERSION: T08S R05W S35 NWNW (Instream Beginning Point) Within Owyhee County
NWNW (Instream Ending Point)
SENW (Instream Beginning Point)
NESW (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-15 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Owyhee County
	T08S R05W S35	NWNW SENW NESW

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

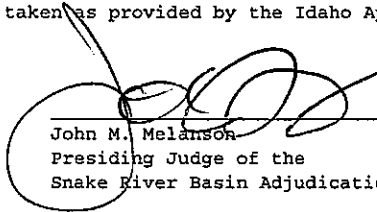
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RULE 54(b) CERTIFICATE

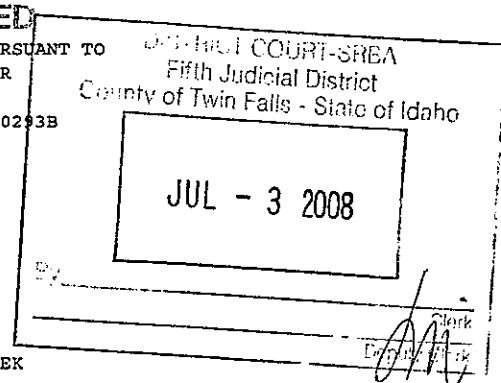
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final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


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Case No. 39576)
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AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 55-10293B



NAME AND ADDRESS: L U RANCHING
C/O WILLIAM A LOWRY
P O BOX 415
JORDAN VALLEY, OR 97910

SOURCE: CORRAL CREEK TRIBUTARY: CABIN CREEK
UNNAMED STREAMS TRIBUTARY: CORRAL CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/07/1907

POINT OF DIVERSION: T09S R04W S05 LOT 5 (NWNW) (Instream Beginning Point) Within Owyhee County
S06 LOT 1 (NENE) (Instream Ending Point)
LOT 2 (NWNW) (Instream Beginning Point)
LOT 4 (NWNW) (Instream Beginning Point)
LOT 12 (SNNW) (Instream Ending Point)
LOT 12 (SNNW) (Instream Beginning Point)
S07 LOT 4 (SESWSW) (Instream Ending Point)
SESWSW (Instream Beginning Point)
LOT 7 (NWNW) (Instream Ending Point)
NESE (Instream Beginning Point)
S18 LOT 1 (NWNW) (Instream Ending Point)
LOT 2 (SNNW) (Instream Ending Point)
NESW (Instream Beginning Point)
LOT 3 (NWSW) (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-15 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Owyhee County
	T09S R04W S05 LOT 4 (NWNW)	LOT 5 (SNNW)
	S06 LOT 1 (NENE)	LOT 7 (NWNW)
	LOT 2 (NWNW)	LOT 10 (SWNE)
	LOT 4 (NWNW)	LOT 5 (NWNW)
	LOT 12 (SNNW)	LOT 13 (NWSW)
	LOT 14 (SESW)	SESW
	NWSE	SWSE
	S07 NENW	LOT 1 (NWNW)
	LOT 2 (SNNW)	LOT 3 (NWSW)
	LOT 4 (SWSW)	SESW
	NESE	NWSE
	SWSE	
	S18 NWNE	NENW
	LOT 1 (NWNW)	LOT 2 (SNNW)
	SENW	NESW
	LOT 3 (NWSW)	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
PURSUANT TO THE DECISION IN LU RANCHING V. UNITED STATES (144
IDAHO 89, 156 P.3D 590 (IDAHO 2007)), THIS WATER RIGHT IS

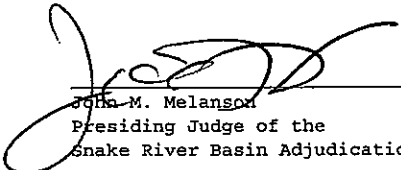
OTHER PROVISIONS (continued)

APPURTENANT TO REAL PROPERTY THAT IS NOT THE PLACE OF USE.

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.

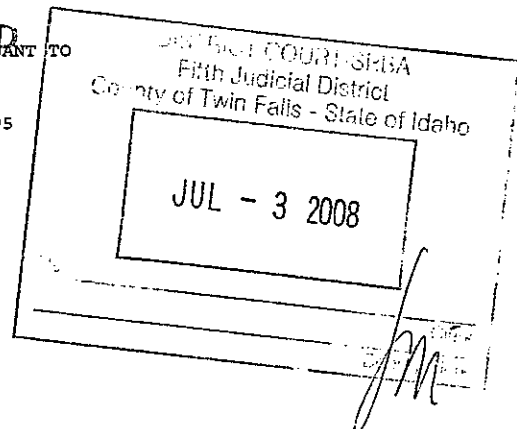


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
Case No. 39576)
_____)

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 55-10295



NAME AND ADDRESS: L U RANCHING
C/O WILLIAM A LOWRY
P O BOX 415
JORDAN VALLEY, OR 97910

SOURCE: UNNAMED STREAM TRIBUTARY: BAXTER CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 11/08/1913

POINT OF DIVERSION: T05S R06W S02 NESESW (Instream Ending Point) Within Owyhee County
SESESW (Instream Beginning Point)
S11 NWNWNE (Instream Ending Point)
NESWNE (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-15 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Owyhee County
	T05S R06W S02	SESW	SWSE
	S11	NWNE	SWNE

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

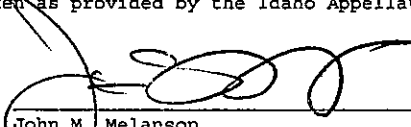
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

PURSUANT TO THE DECISION IN LU RANCHING V. UNITED STATES (144
IDAHO 89, 156 P.3D 590 (IDAHO 2007)), THIS WATER RIGHT IS
APPURTENANT TO REAL PROPERTY THAT IS NOT THE PLACE OF USE.

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)
Case No. 39576)

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 55-10296

SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL - 3 2008

NAME AND ADDRESS: L U RANCHING
C/O WILLIAM A LOWRY
P O BOX 415
JORDAN VALLEY, OR 97910

SOURCE: UNNAMED STREAM TRIBUTARY: JORDAN CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 11/08/1913

POINT OF DIVERSION: T05S R06W S12 NWSW (Instream Beginning Point) Within Owyhee County
S23 SESWN (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-15 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Owyhee County
	T05S R06W S11	SESE
	S12	SWSW
	S14	NENE
		SENE
		SWSE
	S23	NWNE
		SWNW
		SWNE
		NWSE
		NENW
		SENW

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

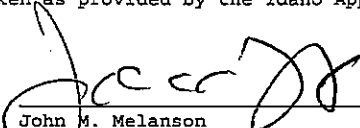
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

PURSUANT TO THE DECISION IN LU RANCHING V. UNITED STATES (144
IDAHO 89, 156 P.3D 590 (IDAHO 2007)), THIS WATER RIGHT IS
APPURTENANT TO REAL PROPERTY THAT IS NOT THE PLACE OF USE.

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

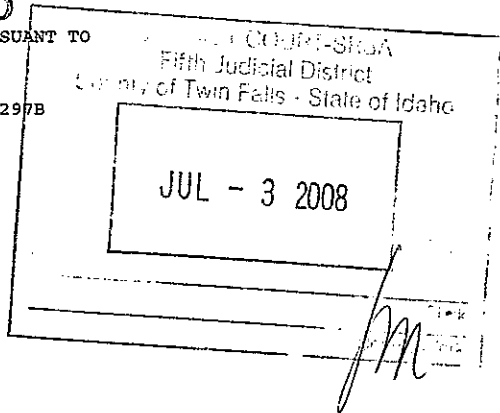
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 55-10297B



NAME AND ADDRESS: L U RANCHING
C/O WILLIAM A LOWRY
P O BOX 415
JORDAN VALLEY, OR 97910

SOURCE: UNNAMED STREAMS TRIBUTARY: TROUT CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 11/08/1913

POINT OF DIVERSION: T05S R05W S18 LOT 3 (NWSW) (Instream Beginning Point) Within Owyhee County
R06W S13 SENE (Instream Beginning Point)
NENW (Instream Beginning Point)
SWSW (Instream Beginning Point)
S23 SWSE (Instream Ending Point)
S24 SENW (Instream Ending Point)
NWSE (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-15 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Owyhee County
	T05S R05W S18 LOT 3	(NWSW)	LOT 4 (SWSW)
	S19 LOT 1	(NWNW)	
	R06W S13	SWNE	SENE
		NENW	SENW
		SWSW	NESE
		NWSE	SWSE
		SESE	
	S14	SESE	
	S23	NENE	SENE
		NESE	NWSE
		SWSE	
	S24	NENE	NWNE
		SWNE	SENE
		NENW	SENW
		NWSE	

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

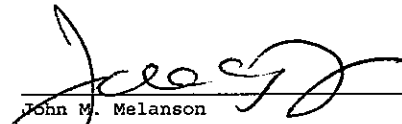
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

PURSUANT TO THE DECISION IN LU RANCHING V. UNITED STATES (144
IDAHO 89, 156 P.3D 590 (IDAHO 2007)), THIS WATER RIGHT IS
APPURTENANT TO REAL PROPERTY THAT IS NOT THE PLACE OF USE.

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.

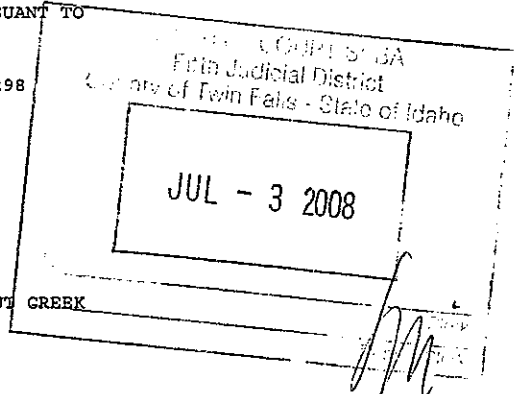


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
)
Case No. 39576)
_____)

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 55-10298



NAME AND ADDRESS: L U RANCHING
C/O WILLIAM A LOWRY
P O BOX 415
JORDAN VALLEY, OR 97910

SOURCE: SPLIT ROCK CANYON CREEK TRIBUTARY: TROUT CREEK
UNNAMED STREAM TRIBUTARY: BAXTER CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 11/08/1913

POINT OF DIVERSION: T05S R05W S06 LOT 5 (SWSWNW) (Instream Beginning Point) Within Owyhee County
LOT 5 (SWSWNW) (Instream Ending Point)
S07 SWNESW (Instream Ending Point)
R06W S01 SWNESE (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-15 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Owyhee County
	T05S R05W S06 LOT 5 (SWNW)	
	S07 LOT 2 (SWNW)	NESW
	LOT 3 (NWSW)	
	R06W S01 NESE	SESE
	S12 NENE	SENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

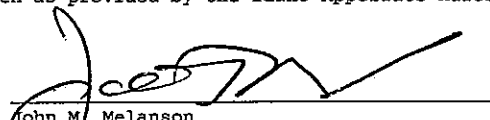
THE USE OF WATER WITHIN THE NESE, S01, T05S, R06W IS
LIMITED TO THE COW CREEK ALLOTMENT.

PURSUANT TO THE DECISION IN LU RANCHING V. UNITED STATES (144
IDAHO 89, 156 P.3D 590 (IDAHO 2007)), THIS WATER RIGHT IS
APPURTENANT TO REAL PROPERTY THAT IS NOT THE PLACE OF USE.

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.

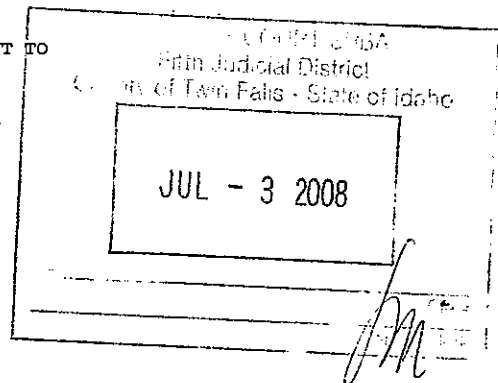


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
Case No. 39576)
_____)

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 55-10299B



NAME AND ADDRESS: L U RANCHING
C/O WILLIAM A LOWRY
P O BOX 415
JORDAN VALLEY, OR 97910

SOURCE: UNNAMED STREAMS TRIBUTARY: CHIMNEY CREEK
CHIMNEY CREEK TRIBUTARY: SWISHER CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 11/08/1913

POINT OF DIVERSION: T04S R05W S31 SENWNE (Instream Ending Point) Within Owyhee County
NWSENE (Instream Beginning Point)
NESENE (Instream Ending Point)
SENENW (Instream Beginning Point)
S32 SWSWNE (Instream Beginning Point)
SWSWNE (Instream Ending Point)
SWSESW (Instream Beginning Point)
NWNWSE (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-15 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Owyhee County
	T04S R05W S31	NWNE SENE
	S32	NENW SESW
		SWNE SWSE
		NWSE

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

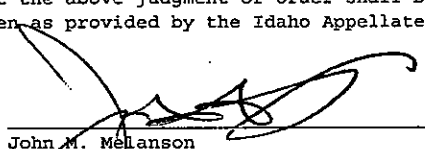
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

PURSUANT TO THE DECISION IN LU RANCHING V. UNITED STATES (144
IDAHO 89, 156 P.3D 590 (IDAHO 2007)), THIS WATER RIGHT IS
APPURTENANT TO REAL PROPERTY THAT IS NOT THE PLACE OF USE.

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. Mellanson
Presiding Judge of the
Snake River Basin Adjudication

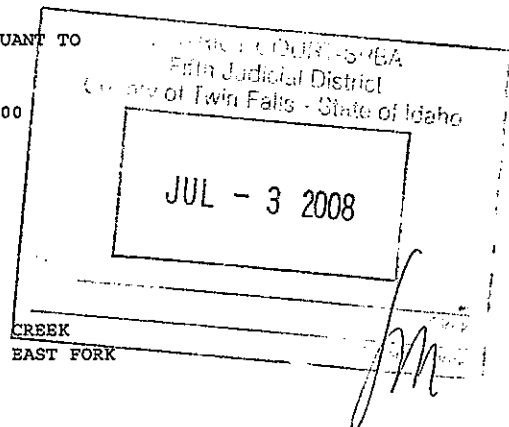
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 55-10300



NAME AND ADDRESS: L U RANCHING
C/O WILLIAM A LOWRY
P O BOX 415
JORDAN VALLEY, OR 97910

SOURCE: TROUT CREEK, EAST FORK TRIBUTARY: TROUT CREEK
UNNAMED STREAMS TRIBUTARY: TROUT CREEK, EAST FORK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 11/08/1913

POINT OF DIVERSION: T05S R05W S02 NESENW (Instream Beginning Point) Within Owyhee County
SWSENW (Instream Ending Point)
NESESE (Instream Beginning Point)
S03 LOT 3 (SENENW) (Instream Beginning Point)
SESENW (Instream Ending Point)
SWSESW (Instream Ending Point)

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Stockwater	06-15 TO 12-31	0.02 CFS

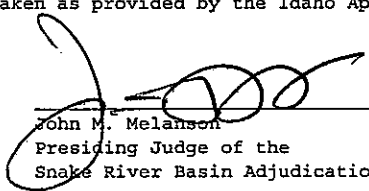
PLACE OF USE:	Stockwater		Within Owyhee County
	T05S R05W S02	SWNW	SENW
		NESW	NWSW
		NWSE	SWSE
		SESE	
	S03	SWNE	LOT 3 (NENW)
		SENW	NESW
		SESW	NESE
		NWSE	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
PURSUANT TO THE DECISION IN LU RANCHING V. UNITED STATES (144
IDAHO 89, 156 P.3D 590 (IDAHO 2007)), THIS WATER RIGHT IS
APPURTENANT TO REAL PROPERTY THAT IS NOT THE PLACE OF USE.
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

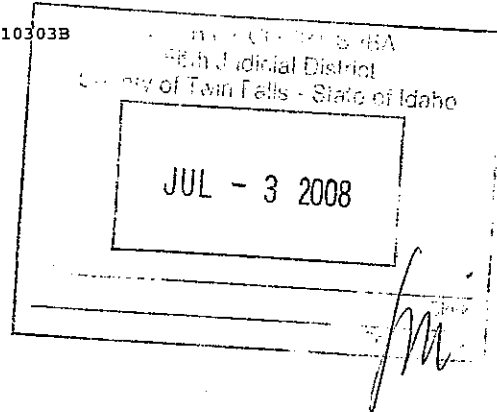
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 55-10303B



NAME AND ADDRESS: ANDERSON, JIM

L U RANCHING
C/O MICHAEL E STANFORD
JEFF ANDERSON ESTATE
CLIFF STAGE
JORDAN VALLEY, OR 97910

JIM ANDERSON
CLIFF STAGE
JORDAN VALLEY, OR 97910

SOURCE: UNNAMED STREAMS TRIBUTARY: NOON CREEK
UNNAMED STREAMS TRIBUTARY: NORTH FORK OWYHEE RIVER
NOON CREEK TRIBUTARY: NORTH FORK OWYHEE RIVER
UNNAMED STREAMS TRIBUTARY: CORRAL CREEK
CORRAL CREEK TRIBUTARY: CABIN CREEK
CABIN CREEK TRIBUTARY: JUNIPER CREEK
JUNIPER CREEK TRIBUTARY: NORTH FORK OWYHEE RIVER
NORTH FORK OWYHEE RIVER TRIBUTARY: OWYHEE RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/12/1912

POINT OF DIVERSION:	T09S R04W S04	SESWSW (Instream Beginning Point) Within Owyhee County
	S08	SWNESE (Instream Ending Point)
		NESWSE (Instream Ending Point)
	S09	NESWSE (Instream Beginning Point)
		NWNESE (Instream Beginning Point)
	S10	NWNWSE (Instream Ending Point)
		NWNESE (Instream Beginning Point)
	S15	SESESE (Instream Beginning Point)
		NESWNW (Instream Beginning Point)
	S20	SESESE (Instream Ending Point)
	S30	SESESE (Instream Beginning Point)
		SESESE (Instream Beginning Point)
	S31	NESESE (Instream Beginning Point)
		SESWNE (Instream Ending Point)
		SESENE (Instream Ending Point)
	LOT 2	(SWSWNW) (Instream Ending Point)
		NWSENW (Instream Ending Point)
	R05W S14	NWNWNW (Instream Beginning Point)
	S21	NENWNW (Instream Beginning Point)
	S22	NESESE (Instream Ending Point)
		SWSESE (Instream Ending Point)
	S23	NWNESE (Instream Beginning Point)
	S25	SESWSE (Instream Ending Point)
	S26	NESESE (Instream Beginning Point)
	S28	SWSWNW (Instream Ending Point)
		NWSWSW (Instream Ending Point)
	S29	NESESE (Instream Beginning Point)
		NENENE (Instream Beginning Point)
	S32	SENESE (Instream Beginning Point)
		SENWNE (Instream Ending Point)
		NWSWNE (Instream Ending Point)

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

POINT OF DIVERSION (continued)

S33	NENENW (Instream Ending Point)
S34	NWSWNW (Instream Ending Point)
S35	SENESE (Instream Beginning Point)
	NWSWSW (Instream Ending Point)
	SENESE (Instream Beginning Point)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	06-15 TO 12-31	0.02 CFS

PLACE OF USE:

Stockwater		Within Owyhee County
T09S R04W S04	SWSW	
S08	SENE	NESE
	SWSE	SESE
S09	NWNW	SWNW
	NWSW	SWSW
	SESW	NESE
	NWSE	SWSE
	SESE	
S10	NESW	SWSW
	SESW	NESE
	SESE	
S11	NWSW	SWSW
S14	NWNW	SWNW
S15	NENE	SENE
	NENW	NWNW
	SWNW	SENE
	NESW	SESW
	NESE	SWSE
	SESE	
S16	NENE	
S17	NWNE	NENW
	SWNW	SENE
	NESW	NWSW
	SWSW	SESW
S19	SWNE	SENE
	NESW	SESW
	NWSE	
S20	SWNE	NENW
	NWNW	SWNW
	NWSE	SWSE
S22	NENE	SENE
	NESE	NWSE
	SWSE	
S27	NWNE	SWNE
	SWNW	SENE
	NWSW	
S28	NESE	SWSE
	SESE	
S29	NWNE	NENW
	SENE	NESW
	NWSW	SWSW
	SESW	
S30	NENW	LOT 1 (NWNW)
LOT 2	(SWNW)	LOT 3 (NWSW)
	SESW	SESE
S31	NENE	NWNE
	SWNE	SENE
	NENW	LOT 1 (NWNW)
LOT 2	(SWNW)	SENE
	NESE	NWSE
S32	NWNW	SWNW
	NESW	NWSW

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

		SWSW	SESW
		SWSE	SESE
	S33	NWNE	SWNE
		SENW	NESW
		SWSW	SESW
	R05W S14	NWNW	
	S15	NENE	SENE
		NESE	SWSE
		SESE	
	S21	NENW	NWNW
		SENW	NESW
		SESW	
	S22	NWNE	SWNE
		NESW	SWSW
		SESW	NESE
		NWSE	SWSE
		SESE	
	S23	NESW	NWSW
		NESE	NWSE
	S25	NESE	SWSE
		SESE	
	S26	SWNW	NESW
		NWSW	SESW
	S27	NENE	SENE
		NWNW	
	S28	NENE	SWNE
		SENE	NENW
		NWNW	SWNW
		NESW	SWSW
		SESW	NWSE
	S29	SESW	NESE
		SESE	
	S32	NENE	NWNE
		SWNE	NENW
	S33	SWNE	SENE
		NWNW	SWNW
		SENW	
	S34	SWNW	NESW
		NWSW	NESE
		NWSE	
	S35	NESW	NWSW
		SWSW	SESW
		NESE	NWSE

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

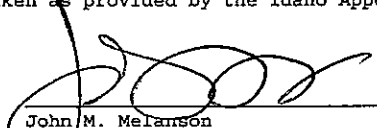
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

PURSUANT TO THE DECISION IN LU RANCHING V. UNITED STATES (144 IDAHO 89, 156 P.3D 590 (IDAHO 2007)), THIS WATER RIGHT IS APPURTENANT TO REAL PROPERTY THAT IS NOT THE PLACE OF USE.

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.



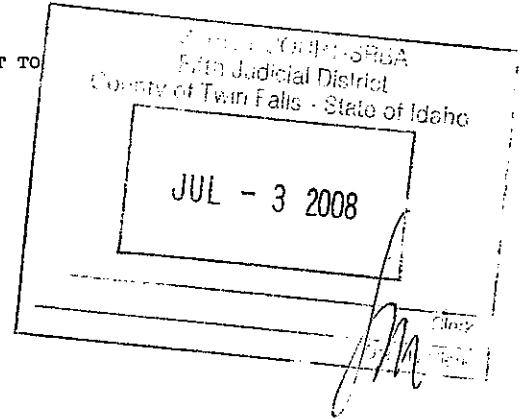
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 55-13451



NAME AND ADDRESS: L U RANCHING
C/O M STANFORD & J ANDERSON
CLIFFS STAGE
JORDAN VALLEY, OR 97910

SOURCE: SPRING TRIBUTARY: NORTH FORK OWYHEE RIVER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/12/1912

POINT OF DIVERSION: T09S R04W S20 SESWNE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Owyhee County
T09S R04W S20 NWSE

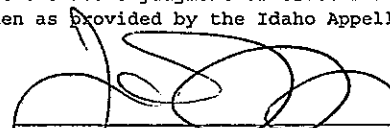
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

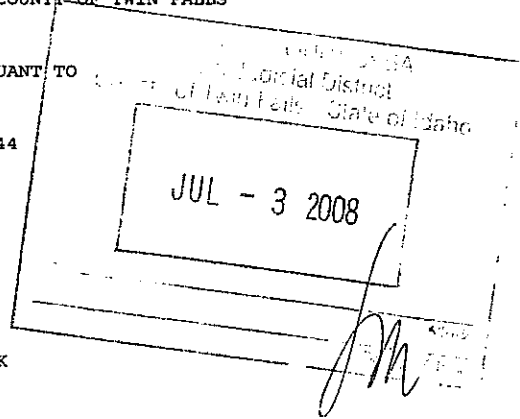
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 55-13844



NAME AND ADDRESS: L U RANCHING
C/O WILLIAM A LOWRY
P O BOX 415
JORDAN VALLEY, OR 97910

SOURCE: UNNAMED STREAMS TRIBUTARY: JUNIPER CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/07/1907

POINT OF DIVERSION: T08S R05W S34 NENW (Instream Beginning Point) Within Owyhee County
NENW (Instream Ending Point)
NESE (Instream Beginning Point)
NESE (Instream Ending Point)

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Stockwater	06-15 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Owyhee County
	T08S R05W S34 NENW	NESE

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

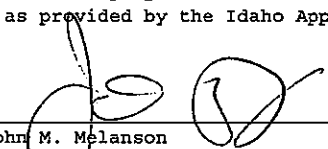
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DETERMINATION OF HISTORICAL BENEFICIAL USE.

PURSUANT TO THE DECISION IN LU RANCHING V. UNITED STATES (144
IDAHO 89, 156 P.3D 590 (IDAHO 2007)), THIS WATER RIGHT IS
APPURTENANT TO REAL PROPERTY THAT IS NOT THE PLACE OF USE.

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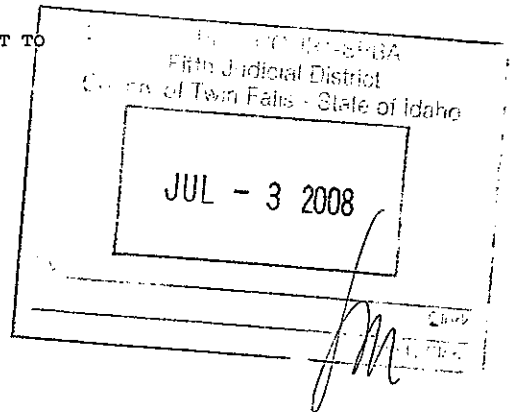
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 55-13846



NAME AND ADDRESS: L U RANCHING
C/O WILLIAM A LOWRY
P O BOX 415
JORDAN VALLEY, OR 97910

SOURCE: CABIN CREEK TRIBUTARY: JUNIPER CREEK
UNNAMED STREAMS TRIBUTARY: CABIN CREEK

QUANTITY: 0.02 CFS

PRIORITY DATE: 04/07/1907

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

POINT OF DIVERSION: T08S R05W S23 NWSE (Instream Beginning Point) Within Owyhee County
NWSE (Instream Ending Point)
S35 NESE (Instream Beginning Point)
LOT 2 (SWSE) (Instream Beginning Point)
LOT 1 (SESE) (Instream Ending Point)
T09S R05W S02 LOT 1 (NENE) (Instream Beginning Point)
SENE (Instream Ending Point)

THERE ARE TWO POINTS OF ENDING WITHIN SESE, S02, T09S, S05W.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-15 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Owyhee County
	T08S R05W S23 NWSE	
	S35 NESE	LOT 2 (SWSE)
	LOT 1 (SESE)	
	T09S R05W S02 LOT 1 (NENE)	LOT 2 (NWNE)
	SWNE	SENE

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

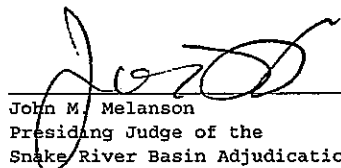
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the MEMORANDUM DECISION ON REMAND AND ORDER OF AMENDED PARTIAL DECREES was mailed on July 03, 2008, with sufficient first-class postage to the following:

ANDERSON, JIM

L U RANCHING

Represented by:

MICHAEL J VAN ZANDT

MCQUAID, BEDFORD & VAN ZANDT

221 MAIN STREET, 16TH FLOOR

SAN FRANCISCO, CA 94105

Phone: 415-905-0200

JIM ANDERSON

L U RANCHING

Represented by:

ROGER D LING

615 H ST

PO BOX 396

RUPERT, ID 83350-0396

Phone: 208-436-4717

USDI BLM

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098