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DEPARTMENT OF
WATER RESOURCES

2008 OCT 23 AM 9:49

DISTRICT COURT-SPBA
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 02-10277
Case No. 39576) (Neatherlin Family Ltd Partnership II and
) Leavell)
)
) SPECIAL MASTER REPORT

Findings of Fact

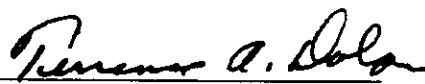
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area Basin 02* on December 29, 2006. The Director recommended the claim to Ark Properties LLC for 1.4 cfs from the Snake River to irrigate 107 acres in Elmore County from April 1 to October 15 with a priority date of October 23, 1968, based on a license.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on December 5, 2007, objecting to place of use. On August 25, 2008, new claimants Alonzo B. Leavell, Canyon Bend Ranch Ltd and Neatherlin Family Limited Partnership II, P.O. Box 54, Gooding, Idaho, 83330, and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to add the remark: "Place of use does not include federal public lands."

Conclusions of Law

Alonzo B. Leavell, Canyon Bend Ranch Ltd and Neatherlin Family Limited Partnership II are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 02-10275*.

DATED October 23, 2008.


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
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 02-10277

NAME AND ADDRESS: NEATHERLIN FAMILY LTD
 PARTNERSHIP II
 PO BOX 54
 GOODING, ID 83330

 ALONZO B LEAVELL
 CANYON BEND RANCH LTD
 PO BOX 54
 GOODING, ID 83330

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.42 CFS
 96.20 AFY

PRIORITY DATE: 09/24/1969

POINT OF DIVERSION: T05S R10E S23 LOT 2 (SENW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-15	0.42 CFS
			94.50 AFY
	Stockwater	01-01 TO 12-31	0.02 CFS
			1.70 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:	Irrigation		Within Elmore County
	T05S R10E S14	NESW 6.5	LOT 6 (NESW) 2.2
		SESW 4.0	LOT 6 (SESW) 19.0
		NWSE 2.5	LOT 7 (NWSE) 26.0
		SWSE 21.0	
	S23	NWNE 4.6	LOT 1 (NENW) 21.0
	LOT 2	(SENW) 0.2	
	107.0 Acres Total		
	Stockwater		Within Elmore County
	T05S R10E S14	NESW	LOT 6 (NESW)
		SESW	LOT 6 (SESW)
		NWSE	LOT 7 (NWSE)
		SWSE	
	S23	NWNE	LOT 1 (NENW)
	LOT 2	(SENW)	

The rights listed below are limited to the irrigation of a combined total of 107 acres in a single irrigation season. Combined Right Nos.: 2-10275, 2-10277, and 2-10279. This right is limited to the irrigation of 21.0 acres within the place of use described above in a single irrigation season. Place of use in NESW and SESW of Section 14 is unsurveyed accretion land adjacent to Lot 6.

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

PLACE OF USE (continued)

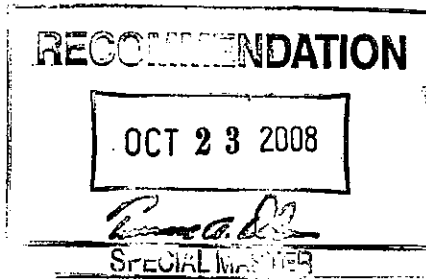
Place of use does not include federal public lands.

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

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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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 02-10277

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 October 23, 2008, with sufficient first-class postage prepaid to the following:

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

NEATHERLIN FAMILY LTD
PARTNERSHIP II
PO BOX 54
GOODING, ID 83330

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

ALONZO B LEAVELL
CANYON BEND RANCH LTD
PO BOX 54
GOODING, ID 83330

CERTIFICATE OF MAILING

Robbin Hall
ROBBIN HALL
Deputy Clerk

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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

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

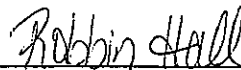
Water Right(s): 02-10277

On October 23, 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 October 23, 2008.


ROBBIN HALL
Deputy Clerk