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DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |                    |
|-----------------------------------------------------------------------------------------|--------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                    |
| DEC 24 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     | ) | Subcases 74-909, 74-934, 74-2017 and 74- |
|                | ) | 2290                                     |
| Case No. 39576 | ) | (242 Remuda Ranch, LLC)                  |
|                | ) |                                          |
| _____          | ) | 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 claims 74-909, 74-934 and 74-2290 to James Kruckenberg for 1.5 cfs, 1.56 cfs and 3.9 cfs from springs and Eighteenmile Creek to irrigate 169 acres, 77 acres and 100 acres in Lemhi County from March 15 to November 15 with priority dates of April 1, 1911, April 1, 1910, and June 17, 1944, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on June 30, 2006, objecting to place of use. On March 21, 2007, IDWR filed a *Notice of Completed Administrative Proceeding* in subcases 74-909, 74-934, 74-2017 and 74-2290 for substitution of party with the new claimant as 242 Remuda Ranch, LLC, c/o Michelle G. Drake, 413 18 Mile Road, Leadore, Idaho, 83464. IDWR also identified subcase 74-2017 as an uncontested overlapping claim.

On November 14, 2008, Remuda Ranch, LLC and the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing to amend the places of use and to add the remark: "Place of use does not include federal public lands."

**Conclusions of Law**

Remuda Ranch, LLC is entitled to partial decrees adjudicating water rights as recommended by IDWR (74-2017) and as described in the *SF-5's* and the attached

*Special Master Recommendations for Partial Decrees for Water Rights 74-909, 74-934,  
74-2017 and 74-2290.*

DATED December 24, 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  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 74-00909

NAME AND ADDRESS: 242 REMUDA RANCH LLC  
MICHELLE GARRIHY DRAKE  
413 EIGHTEEN MILE RD  
LEADORE, ID 83464

SOURCE: SPRINGS

QUANTITY: 1.50 CFS

PRIORITY DATE: 04/01/1911

POINT OF DIVERSION: T15N R27E S21 SWSW Within Lemhi County  
SESW  
S29 SENE

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 03-15 TO 11-15 | 1.50 CFS |

| PLACE OF USE: | Irrigation        | Within Lemhi County                                                                   |
|---------------|-------------------|---------------------------------------------------------------------------------------|
|               | T15N R27E S20     | SWNE 15.7<br>SENW 14.0<br>NESW 26.0<br>SESW 9.0<br>NWSE 29.3<br>SWSE 36.0<br>NENE 3.0 |
|               | S29               |                                                                                       |
|               | 169.0 Acres Total |                                                                                       |

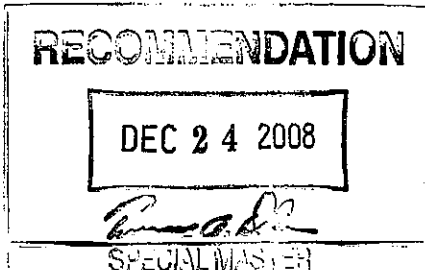
This right authorizes the irrigation of 168 total acres.  
Place of use does not include federal public lands.

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

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 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 74-00934

NAME AND ADDRESS: 242 REMUDA RANCH LLC  
MICHELLE GARRIHY DRAKE  
413 EIGHTEEN MILE RD  
LEADORE, ID 83464

SOURCE: EIGHTEENMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 1.56 CFS

PRIORITY DATE: 04/01/1910

POINT OF DIVERSION: T15N R27E S20 SWSW Within Lemhi County  
S29 SENW

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 1.56 CFS |

| PLACE OF USE: | Irrigation       | Within Lemhi County    |
|---------------|------------------|------------------------|
|               | T15N R27E S19    | NENE 18.0<br>NWNE 16.0 |
|               | S20              | SWNE 9.0<br>NWSW 10.0  |
|               | 77.6 Acres Total | SWSW 24.6              |

Place of use does not include federal public lands.

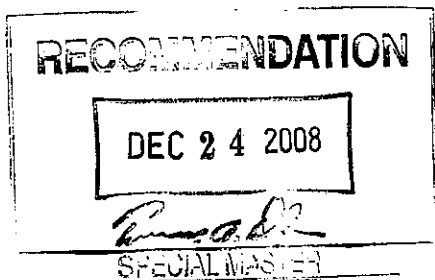
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) POR  
Water Right 74-02017

NAME AND ADDRESS: 242 REMUDA RANCH LLC  
MICHELLE GARRIHY DRAKE  
413 EIGHTEEN MILE RD  
LEADORE, ID 83464

SOURCE: SPRINGS

QUANTITY: 2.06 CFS

PRIORITY DATE: 12/11/1906

POINT OF DIVERSION: T15N R27E S21 SWSW Within Lemhi County  
S29 SENE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 2.06 CFS |

| PLACE OF USE: | Irrigation        | Within Lemhi County                             |
|---------------|-------------------|-------------------------------------------------|
|               | T15N R27E S20     | SENE 14.0<br>SESW 9.0<br>SWSE 36.0<br>NWNE 36.0 |
|               | S29               | NENW 3.0                                        |
|               | 149.0 Acres Total |                                                 |

This right authorizes the irrigation of 148.0 total acres.

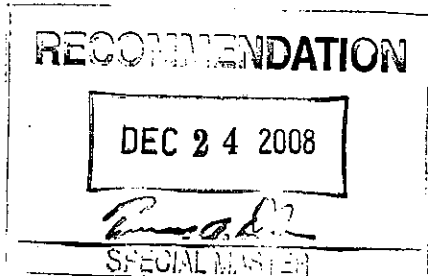
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 74-02290

NAME AND ADDRESS: 242 REMUDA RANCH LLC  
MICHELLE GARRIHY DRAKE  
413 EIGHTEEN MILE RD  
LEADORE, ID 83464

SOURCE: EIGHTEENMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 3.90 CFS

PRIORITY DATE: 06/17/1944

POINT OF DIVERSION: T15N R27E S29 SENW Within Lemhi County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 03-15 TO 11-15 | 3.90 CFS |

| PLACE OF USE: | Irrigation        | Within Lemhi County                                                     |
|---------------|-------------------|-------------------------------------------------------------------------|
|               | T15N R27E S20     | SWNW 3.0<br>SENW 1.0<br>NESW 14.0<br>NWSW 11.0<br>SWSW 6.0<br>SESW 28.0 |
|               | S29               | NENW 37.3                                                               |
|               | 100.3 Acres Total |                                                                         |

Place of use does not include federal public lands.

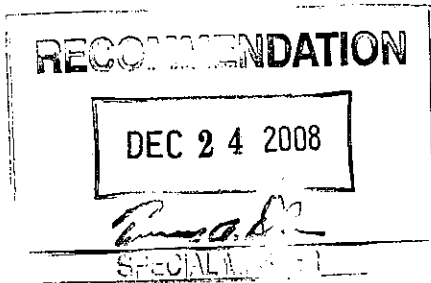
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

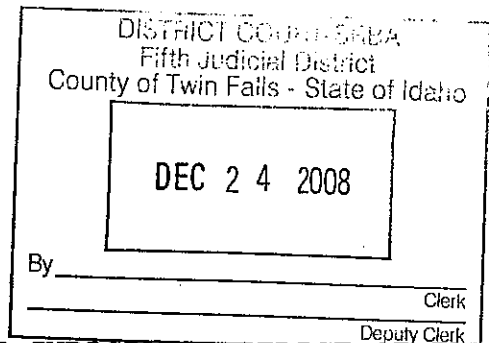
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s) : 74-00909  
74-00934 74-02017 74-02290

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 24, 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

242 REMUDA RANCH LLC  
MICHELLE GARRIHY DRAKE  
413 EIGHTEEN MILE RD  
LEADORE, ID 83464  
Phone: 208-768-2420

CERTIFICATE OF MAILING

*Robbin Hall*  
ROBBIN HALL  
Deputy Clerk

PAGE 1  
12/24/08

|                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho<br><div style="border: 1px solid black; padding: 5px; text-align: center;"> DEC 24 2008 </div> By _____<br>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 )  
) )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

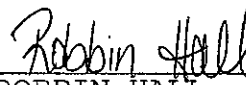
Water Right(s) : 74-00909  
74-00934 74-02017 74-02290

On December 24, 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 December 24, 2008.

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