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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB - 9 2009	
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) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-03173,
) 63-07140, and 63-18509

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of water rights 63-03173 and 63-07140, and recommended that 63-18509 be disallowed.

On June 7, 2007, the claimant of the water rights, Little Cattle Co., filed an objection to the *Director's Report* for water right claim 63-18509, asserting that the right should be allowed. Although no objection were filed to water right claims 63-03173 and 63-07140, the rights were identified by IDWR as uncontested claims that may be affected by the outcome of contested claim 63-18509. On February 2, 2009, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each of the subcases, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-03173, 63-07140, and 63-18509 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated

Feb 9, 2009



Theodore R. Booth
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)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-03173

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

FEB - 9 2009

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: LITTLE CATTLE CO
PO BOX 205
EMMETT, ID 83617

SOURCE: GROUND WATER

QUANTITY: 1.78 CFS
495.00 AFY

This right when combined with all other rights shall provide no
more than .02 cfs per acre nor more than 4.5 afa per acre for
irrigation.

The total instantaneous diversion of water from all points of
diversion under combined Right Nos. 63-03173, 63-07140 and
63-18509 shall not exceed 3.28 cfs.

PRIORITY DATE: 12/30/1959

POINT OF DIVERSION: T05N R01W S19 NESW Within Ada County
LOT 3 (NWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.78 CFS 495.00 AFY

PLACE OF USE:	Irrigation	Within ADA & CANYON County
T05N R01W S19	NWNE 4.0	SWNE 1.0
	NENW 16.0	LOT 1 (NWNW) 1.0
LOT 2	(SWNW) 27.0	SENE 24.0
	NESW 2.0	LOT 3 (NWSW) 36.0
LOT 4	(SWSW) 5.0	
R02W S24	SENE 10.0	NESW 1.0
	SESW 5.0	NESE 39.0
	NWSE 22.0	SWSE 36.0
	SESE 23.0	
	252.0 Acres Total	

Right No. 63-03173 is limited to the irrigation of 110 acres in
the place of use described above in a single irrigation season.

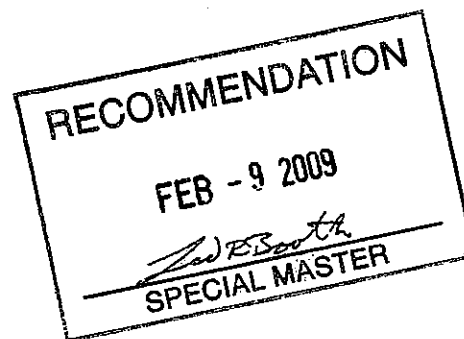
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

FEB - 9 2009

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-07140

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: LITTLE CATTLE CO
PO BOX 205
EMMETT, ID 83617

SOURCE: GROUND WATER

QUANTITY: 2.21 CFS
850.50 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation.

The total instantaneous diversion of water from all points of diversion under combined Right Nos. 63-03173, 63-07140 and 63-18509 shall not exceed 3.28 cfs.

PRIORITY DATE: 09/05/1968

POINT OF DIVERSION: T05N R01W S19 NESW Within Ada County
LOT 3 (NWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		03-15 TO 11-15	2.21 CFS 850.50 AFY

PLACE OF USE:	Irrigation	Within ADA & CANYON County
T05N R01W S19	NWNE 4.0	SWNE 1.0
	NENW 16.0	LOT 1 (NWNW) 1.0
LOT 2 (SNNW)	27.0	SENE 24.0
	NESW 2.0	LOT 3 (NWSW) 36.0
LOT 4 (SWSW)	5.0	
R02W S24	SENE 10.0	NESW 1.0
	SESW 5.0	NESE 39.0
	NWSE 22.0	SWSE 36.0
	SESE 23.0	
252.0 Acres Total		

Right No. 63-07140 is limited to the irrigation of 189 acres in the place of use described above in a single irrigation season.

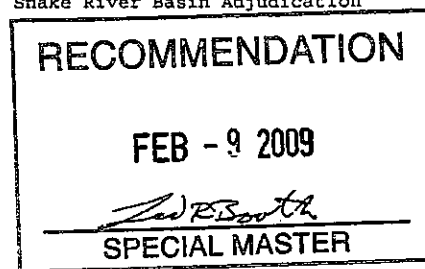
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

FEB - 9 2009

By _____ Clerk

Deputy Clerk

In Re SRBA)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-18509

NAME AND ADDRESS: . LITTLE CATTLE CO
PO BOX 205
EMMETT, ID 83617

SOURCE: GROUND WATER

QUANTITY: 1.00 CFS
225.00 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
The total instantaneous diversion of water from all points of diversion under Right Nos. 63-3173, 63-7140 and 63-18509 shall not exceed 3.28 cfs.
This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation.

PRIORITY DATE: 06/01/1976

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION: T05N R01W S19 NESW Within Ada County
LOT 3 (NWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		03-01 TO 11-15	1.00 CFS
Stockwater		01-01 TO 12-31	0.18 CFS

PLACE OF USE: Irrigation

T05N R01W S19		Within ADA & CANYON County	
	NWNE 4.0		SWNE 1.0
	NENW 16.0	LOT 1	(NWNW) 1.0
LOT 2	(SWNW) 27.0		SENE 24.0
	NESW 2.0	LOT 3	(NWSW) 36.0
LOT 4	(SWSW) 5.0		
R02W S24	SENE 10.0		NESW 1.0
	SESW 5.0		NESE 39.0
	NWSE 22.0		SWSE 36.0
	SESE 23.0		
252.0 Acres Total			

Stockwater

T05N R01W S19		Within ADA & CANYON County	
	NWNE		SWNE
	NENW	LOT 1	(NWNW)
LOT 2	(SWNW)		SENE
	NESW	LOT 3	(NWSW)
LOT 4	(SWSW)		
R02W S24	SENE		NESW
	SESW		NESE
	NWSE		SWSE
	SESE		

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

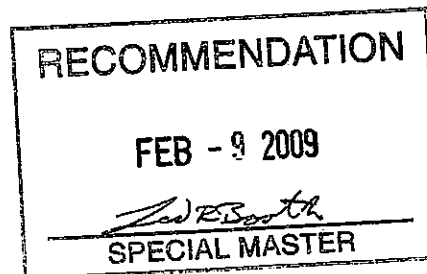
This right is based upon an enlargement of Right nos. 63-3173 and 63-7140 pursuant to Section 42-1426, Idaho Code.
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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).

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



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

FEB - 9 2009

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

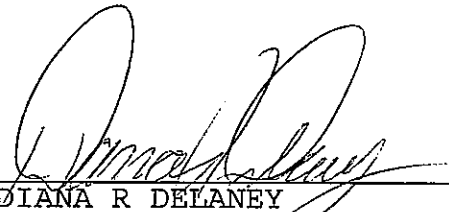
Water Right(s): 63-03173
63-07140 63-18509

On February 09, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

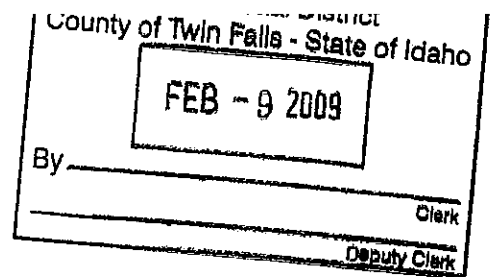
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 February 09, 2009.



DIANA R DELANEY
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-03173
63-07140 63-18509

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 February 09, 2009, with sufficient first-class postage prepaid to the following:

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

LITTLE CATTLE CO
PO BOX 205
EMMETT, ID 83617
Phone: 208-365-4611



DIANA R. DELANEY
Deputy Clerk