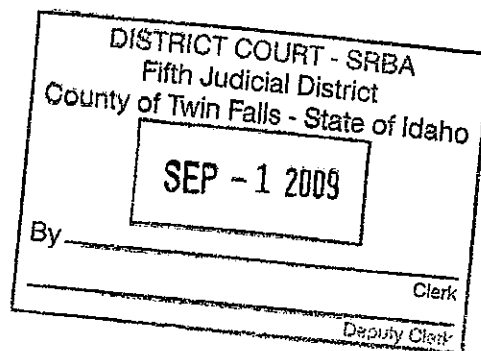


RECEIVED

SEP 0 4 2009

DEPARTMENT OF
WATER RESOURCES



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 73-128, 73-133, 73-137, 73-138 and
Case No. 39576) 73-4005
(Whitworth Ranches, Inc.)
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 23, Basin 73* on January 25, 2007. He recommended the claims to Whitworth Ranches, Inc., P.O. Box 167, May, Idaho, 83253, for 1.6 cfs, 3.2 cfs, 3.2 cfs, 1.6 cfs and 9.66 cfs from Morgan Creek to irrigate 698.7 acres in Lemhi County from April 1 to September 30 or October 31 with priority dates of March 1, 1898, June 1, 1883, May 1, 1891, June 1, 1895, and June 16, 1917, based on a decree or beneficial use.

The United States of America, Department of Interior, Bureau of Land Management, filed *Objections* on December 18, 2007, objecting to place of use. On August 17, 2009, the Whitworth Ranch and the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing to 698.4 acres.

Conclusions of Law

The Whitworth Ranch is entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-128, 73-133, 73-137, 73-138 and 73-4005*.

DATED September 1, 2009.

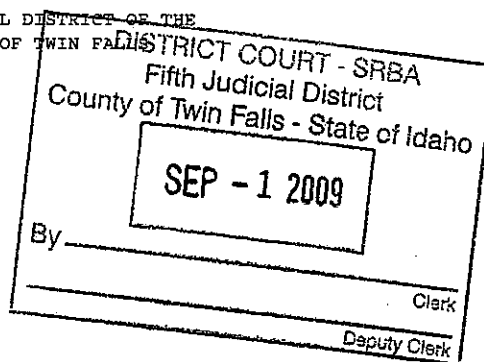
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
)
Case No. 39576)
_____)

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

Water Right 73-00128



NAME AND ADDRESS: WHITWORTH RANCHES INC
PO BOX 167
MAY, ID 83253

SOURCE: MORGAN CREEK TRIBUTARY: PATTERSON CREEK

QUANTITY: 1.60 CFS

PRIORITY DATE: 03/01/1898

POINT OF DIVERSION: T15N R21E S11 NENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.60 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T15N R21E S12	SESE 38.0
	S13	NENE 37.0
		SWNE 31.0
		NESE 40.0
		SWSE 40.0
	S24	SESE 21.0
	S25	NENE 26.0
	R22E S07 LOT 4	(SWSW) 40.0
	S18	NENW 9.4 LOT 1 (NWNW) 40.0
	LOT 2	(SWNW) 39.0 SENW 25.0
	LOT 3	(NWSW) 40.0
	S19 LOT 1	(NWNW) 39.0 LOT 2 (SWNW) 40.0
	LOT 3	(NWSW) 37.0
	698.4 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 698.4 acres in a single irrigation season. Combined Right Nos.: 73-128, 73-133, 73-137, 73-138, 73-2166, 73-4005.

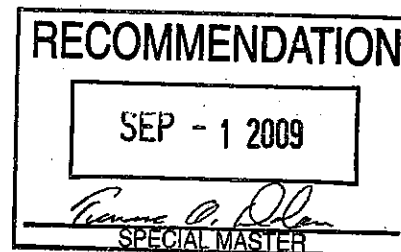
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 Re SRBA)
)
Case No. 39576)
)

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

SEP - 1 2009

By _____ Clerk

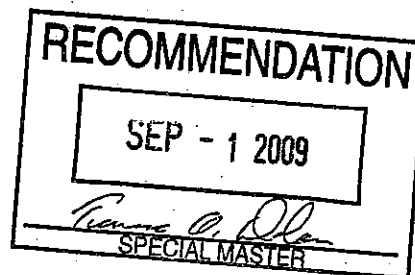
Deputy Clerk

PAGE 1
Aug-17-2009

RULE 54(b) CERTIFICATE

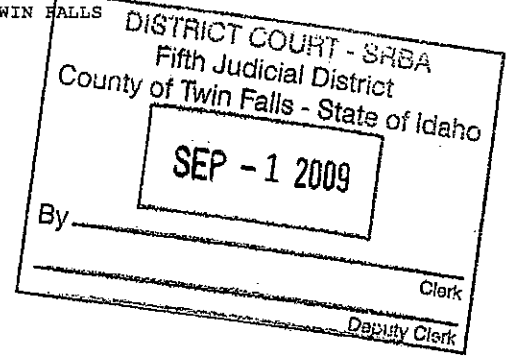
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 73-00137



NAME AND ADDRESS: WHITWORTH RANCHES INC
PO BOX 167
MAY, ID 83253

SOURCE: MORGAN CREEK TRIBUTARY: PATTERSON CREEK

QUANTITY: 3.20 CFS

PRIORITY DATE: 05/01/1891

POINT OF DIVERSION: T15N R21E S11 NENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.20 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T15N R21E S12	SWSE 40.0	SESE 38.0
S13	NENE 37.0	NWNE 40.0
	SWNE 31.0	SENE 36.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	
S24	SESE 21.0	
S25	NENE 26.0	
R22E S07 LOT 4	(SWSW) 40.0	
S18	NENW 9.4	LOT 1 (NWNW) 40.0
LOT 2	(SWNW) 39.0	SENE 25.0
LOT 3	(NWSW) 40.0	
S19 LOT 1	(NWNW) 39.0	LOT 2 (SWNW) 40.0
LOT 3	(NWSW) 37.0	
698.4 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 698.4 acres in a single irrigation season. Combined Right Nos.: 73-128, 73-133, 73-137, 73-138, 73-2166, 73-4005.

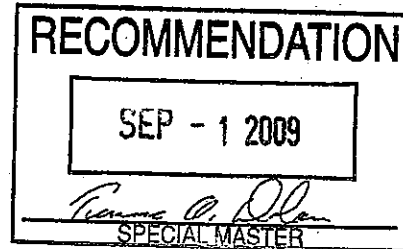
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

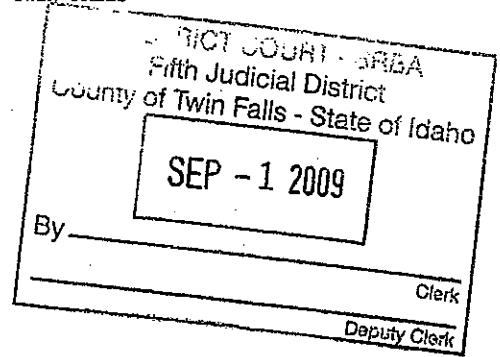
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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 73-00138



NAME AND ADDRESS: WHITWORTH RANCHES INC
PO BOX 167
MAY, ID 83253

SOURCE: MORGAN CREEK TRIBUTARY: PATTERSON CREEK

QUANTITY: 1.60 CFS

PRIORITY DATE: 06/01/1895

POINT OF DIVERSION: T15N R21E S11 NENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.60 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T15N R21E S12	SWSE 40.0 SESE 38.0
	S13	NENE 37.0 NWNE 40.0
		SWNE 31.0 SENE 36.0
		NESE 40.0 NWSE 40.0
		SWSE 40.0
	S24	SESE 21.0
	S25	NENE 26.0
	R22E S07 LOT 4	(SWSW) 40.0
	S18	NENW 9.4 LOT 1 (NWNW) 40.0
	LOT 2	(SWNW) 39.0 SENW 25.0
	LOT 3	(NWSW) 40.0
	S19 LOT 1	(NWNW) 39.0 LOT 2 (SWNW) 40.0
	LOT 3	(NWSW) 37.0
	698.4 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 698.4 acres in a single irrigation season.
Combined Right Nos.: 73-128, 73-133, 73-137, 73-138, 73-2166,
73-4005.

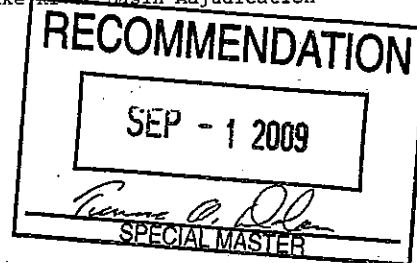
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

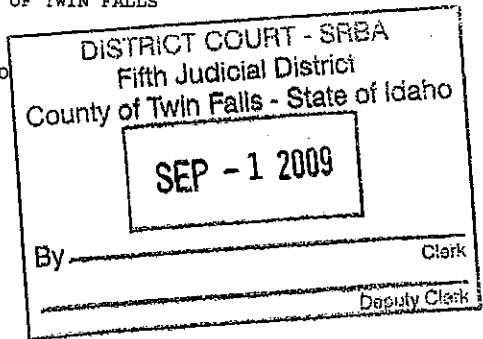
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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 73-04005



NAME AND ADDRESS: WHITWORTH RANCHES INC
PO BOX 167
MAY, ID 83253

SOURCE: MORGAN CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 9.66 CFS

PRIORITY DATE: 06/16/1917

POINT OF DIVERSION: T15N R21E S11 NENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 09-30	9.66 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T15N R21E S12	SWSE 40.0	SESE 38.0
S13	NENE 37.0	NWNE 40.0
	SWNE 31.0	SENE 36.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	
S24	SESE 21.0	
S25	NENE 26.0	
R22E S07 LOT 4	(SWSW) 40.0	
S18	NENW 9.4	LOT 1 (NWNW) 40.0
LOT 2	(SWNW) 39.0	SENE 25.0
LOT 3	(NWSW) 40.0	
S19 LOT 1	(NWNW) 39.0	LOT 2 (SWNW) 40.0
LOT 3	(NWSW) 37.0	
698.4 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 698.4 acres in a single irrigation season. Combined Right Nos.: 73-128, 73-133, 73-137, 73-138, 73-2166, 73-4005.

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

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



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

SEP - 1 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

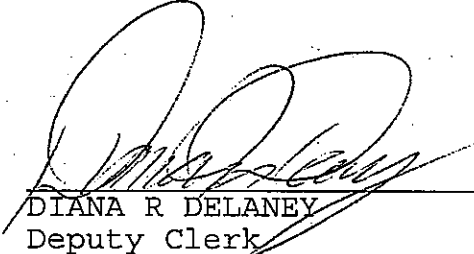
Water Right(s): 73-00128
73-00133 73-00137 73-00138
73-04005

On September 01, 2009, 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 September 01, 2009.


DIANA R DELANEY
Deputy Clerk

County of Twin Falls - State of Idaho

SEP - 1 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)

CERTIFICATE OF MAILING

Water Right(s): 73-00128
73-00133 73-00137 73-00138
73-04005

CERTIFICATE OF MAILING

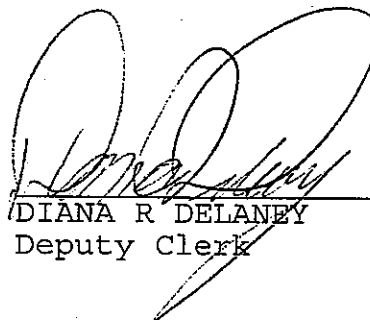
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on September 01, 2009, with sufficient first-class postage prepaid to the following:

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

WHITWORTH RANCHES INC
PO BOX 167
MAY, ID 83253
Phone: 208-876-4278

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

PAGE 1
09/01/09