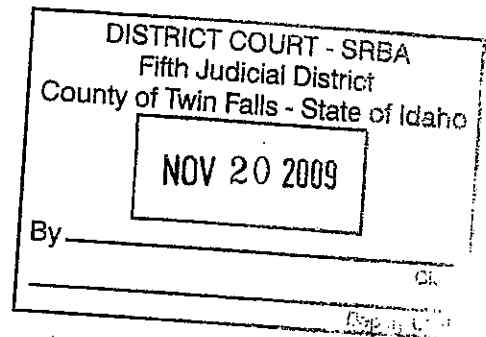


RECEIVED

NOV 23 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 02-2186, 02-10034, 02-10043, 02-10248
	)	and 02-10249
	)	(ATN Holdings LLC & Farm Development Corp.)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

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 claims to Juanita and G. Patrick Morris, Alacano Family LLC and Farm Development Corporation for between 3.43 cfs and 17.38 cfs from the Snake River to irrigate between 171.5 acres and 869 acres in Elmore County from March 15 to November 15 with priority dates between January 9, 1963, and April 17, 1964, based on licenses or beneficial use.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* in subcase 02-10043 on December 5, 2007, objecting to quantity and place of use. The same date, the Farm Development Corporation filed an *Objection* in the same subcase objecting to place of use.

IDWR filed *Notices of Completed Administrative Proceedings* in subcases 02-2186, 02-10034, 02-10248 and 02-10249 on September 4, 2008, for substitution of parties with the new owner ATN Holdings LLC, P.O. Box 1201, Boise, Idaho, 83701. No one objected to the *NCAPs*. On November 16, 2009, the Farm Development Corporation and the USDI/BLM, with IDWR's concurrence, filed a *Standard Form 5* in subcase 02-10043 agreeing the claim should be disallowed, no lawful appropriation shown.

Conclusions of Law

1. ATN Holdings LLC is entitled to partial decrees adjudicating water rights as described in the *NCAPs* and in the attached *Special Master Recommendations for Partial Decrees for Water Rights 02-2186, 02-10034, 02-10248 and 02-10249*; and
2. The Farm Development Corporation is **not** entitled to a partial decree for claim 02-10043.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 02-10043 be **disallowed**.

DATED November 20, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 02-02186

NAME AND ADDRESS: ATN HOLDINGS LLC
PO BOX 1201
BOISE, ID 93701

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 6.16 CFS
1540.00 AFY

PRIORITY DATE: 01/09/1963

POINT OF DIVERSION: T05S R09E S34 LOT 4 (NWNWSW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	6.16 CFS 1540.00 AFY

PLACE OF USE:	Irrigation		Within Elmore County
	T06S R09E S08	NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NESE 36.0	NWSE 32.0
		SWSE 40.0	SESE 40.0
	308.0 Acres Total		

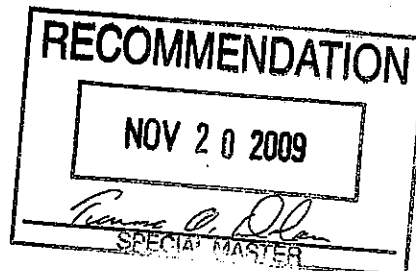
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 02-10034

NAME AND ADDRESS: ATN HOLDINGS LLC
PO BOX 1201
BOISE, ID 83701

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 17.38 CFS
4345.00 AFY

PRIORITY DATE: 05/06/1963

POINT OF DIVERSION: T05S R09E S34 LOT 4 () Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	17.38 CFS 4345.00 AFY

PLACE OF USE:	Irrigation		Within Elmore County
	T06S R09E S03	NWNE 22.0	SWNE 40.0
		SENE 40.0	NENW 31.0
		NWNW 16.0	SWNW 40.0
		SENW 40.0	NESW 40.0
		NWSW 40.0	SWSW 40.0
		SESW 40.0	NESE 40.0
		NWSE 40.0	SWSE 40.0
		SESE 40.0	
	S15	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
	859.0 Acres Total		

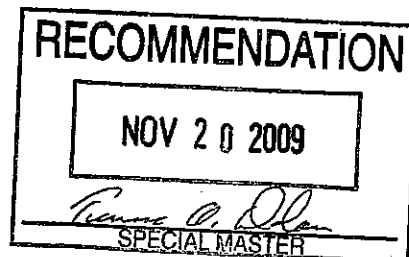
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ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 02-10248

NAME AND ADDRESS: ATN HOLDINGS LLC
PO BOX 1201
BOISE, ID. 83701

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.43 CFS
857.50 AFY

PRIORITY DATE: 02/20/1963

POINT OF DIVERSION: T05S R09E S34 LOT 4 () Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.43 CFS 857.50 AFY

PLACE OF USE:	Irrigation		Within Elmore County
	T06S R09E S04	SESE 11.5	
	S15	NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
	171.5 Acres Total		

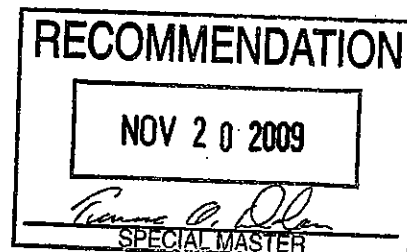
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 02-10249

NAME AND ADDRESS: ATN HOLDINGS LLC
PO BOX 1201
BOISE, ID 83701

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 14.65 CFS
3662.50 AFY

PRIORITY DATE: 02/20/1963

POINT OF DIVERSION: T05S R09E S34 LOT 4 () Within Elmore County
Rights 2-2186, 2-2371, 2-10032, 2-10034, 2-10035, 2-10043 and
2-10248 are also diverted through the point of diversion
described above.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	14.65 CFS 3662.50 AFY

PLACE OF USE:	Irrigation	Within Elmore County
T06S R09E S04	NENE 28.0 SWNE 40.0 NENW 40.0 SWNW 37.0 NESE 40.0 SWSE 40.0	NWNE 40.0 SENE 40.0 NWNW 32.0 SENW 40.0 NWSE 40.0 SESE 28.5
S08	NENE 33.0	SENE 24.0
S09	NENE 40.0 SWNE 39.0 NWNW 32.0	NWNE 39.0 SENE 40.0 SWNW 40.0
732.5 Acres Total		

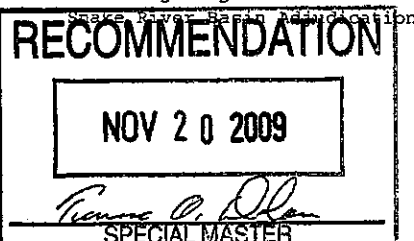
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John M. Melanson
Presiding Judge of the



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
NOV 20 2009	
By _____	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

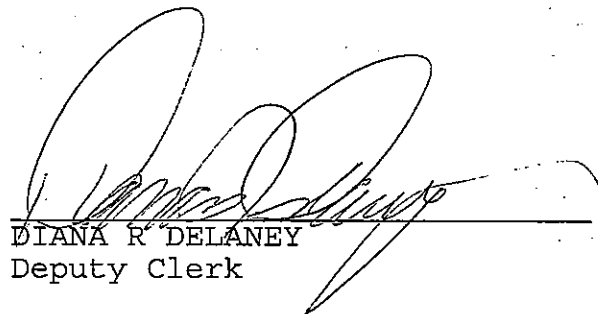
Water Right(s): 02-02186
02-10034 02-10043 02-10248
02-10249

On November 20, 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 November 20, 2009.


DIANA R. DELANEY
Deputy Clerk

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
NOV 20 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): 02-02186

02-10034 02-10043 02-10248
02-10249

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 November 20, 2009, with sufficient first-class postage prepaid to the following:

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

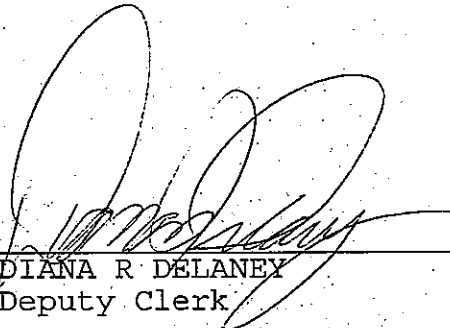
ATN HOLDINGS LLC
FARM DEVELOPMENT CORP
Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

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

CERTIFICATE OF MAILING

PAGE 1
11/20/09

FARM DEVELOPMENT CORP
PO BOX 1201
BOISE, ID 83701
Phone: 208-342-6524



DIANA R. DELANEY
Deputy Clerk