

NOV 25 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

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

NOV 24 2009

DISTRICT OF THE
OF TWIN FALLS

By _____
Clerk
Deputy Clerk

Case No. 39576

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

WATER RIGHT NOS: Exhibit A

I. FINDINGS OF FACT

A notice of claim was filed for each of these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

Objections were filed by the United States Bureau of Land Management on November 13, 2007. The *Objections* were resolved on October 6, 2008 with the filing of *Standard Forms 5*. All parties to the subcase and IDWR are signatories to the *Standard Forms 5*.

However, after the *Standard Forms 5* were filed, IDWR notified the Court that a clerical error in the *Standard Forms 5* listed total acreages as 2,127 acres instead of 2,126.9 acres. Apparently, IDWR notified Flat Top Sheep Co. of the change. THEREFORE, the total acreage has been changed to 2,126.9 acres.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendations for Partial Decree*.

DATED: November 24, 2009.

Brigette Bilyeu
BRIGETTE BILYEU, 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 37-00390

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

NOV 24 2009

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: FLAT TOP SHEEP CO.
PO BOX 88
CAREY, ID 83320

SOURCE: FRIEDMAN CREEK TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 0.60 CFS

PRIORITY DATE: 06/30/1884

POINT OF DIVERSION: T02N R21E S12 SESWSE Within Blaine County
S14 NENESE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-31 0.60 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T02N R21E S13	NENW 26.5	NWNW 29.0
	SWNW 28.0	SENW 32.0
	NESW 12.0	NWSW 23.0
S14	SWNE 5.1	SENE 25.0
	NESW 1.7	SESW 3.6
	NESE 40.0	NWSE 36.0
	SWSE 38.0	SESE 29.0
S22	SESE 5.2	
S23	NENE 32.0	NWNE 8.7
	SWNE 34.0	SENE 36.0
	NENW 1.5	SENW 27.0
	NESW 40.0	NWSW 13.0
	SWSW 35.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S24	SWNW 38.0	NESW 18.0
	NWSW 39.0	SWSW 39.0
	SESW 17.0	
S25	NENW 13.0	NWNW 39.0
	SWNW 39.0	SENW 28.0
	NESW 18.0	NWSW 38.0
	SWSW 8.1	
S26	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 37.0	SESW 32.0
	NESE 40.0	NWSE 40.0
	SWSE 32.0	SESE 28.0
S27	NENE 35.0	NWNE 26.0
	SWNE 40.0	SENE 38.0
	NENW 2.5	SWNW 2.4
	SENW 35.0	NESW 17.0
	NWSW 2.8	SESW 3.1
	NESE 40.0	NWSE 40.0
	SWSE 20.0	SESE 19.0
S35	NENE 13.0	NWNE 14.0
	SWNE 25.0	SENE 20.0
	NENW 16.0	NWNW 8.4

RECEIVED

NOV 25 2009

DEPARTMENT OF
WATER RESOURCES

PLACE OF USE (continued)

SENV 5.3

2126.9 Acres Total

The rights listed below are limited to the irrigation of a combined total of 2,126.9 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, and 37-2260B.

This right is limited to the irrigation of 1,600 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 1,600 acres in a single irrigation season.

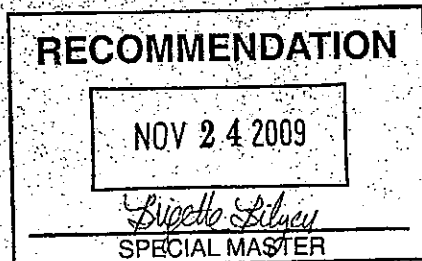
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 37-00391

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho NOV 24 2009 By _____ Clerk _____ Deputy Clerk
--

NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320

SOURCE: FRIEDMAN CREEK TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 0.40 CFS

PRIORITY DATE: 04/01/1885

POINT OF DIVERSION: T02N R21E S12 SESWSE Within Blaine County
S14 NENESE

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	04-15 TO 10-31	0.40 CFS

PLACE OF USE:	Irrigation		Within Blaine County
	T02N R21E S13	NENW 26.5	NWNW 29.0
		SWNW 28.0	SENW 32.0
		NESW 12.0	NWSW 23.0
	S14	SWNE 5.1	SENE 25.0
		NESW 1.7	SESW 3.6
		NESE 40.0	NWSE 36.0
		SWSE 38.0	SESE 29.0
	S22	SESE 5.2	
	S23	NENE 32.0	NWNE 8.7
		SWNE 34.0	SENE 36.0
		NENW 1.5	SENW 27.0
		NESW 40.0	NWSW 13.0
		SWSW 35.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S24	SWNW 38.0	NESW 18.0
		NWSW 39.0	SWSW 39.0
		SESW 17.0	
	S25	NENW 13.0	NWNW 39.0
		SWNW 39.0	SENW 28.0
		NESW 18.0	NWSW 38.0
		SWSW 8.1	
	S26	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 37.0	SESW 32.0
		NESE 40.0	NWSE 40.0
		SWSE 32.0	SESE 28.0
	S27	NENE 35.0	NWNE 26.0
		SWNE 40.0	SENE 38.0
		NENW 2.5	SWNW 2.4
		SENW 35.0	NESW 17.0
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	S35	NENE 13.0	NWNE 14.0
		SWNE 25.0	SENE 20.0
		NENW 16.0	NWNW 8.4

RECEIVED
NOV 25 2009
DEPARTMENT OF
WATER RESOURCES

PLACE OF USE (continued)

SENV 5.3

2126.9 Acres Total

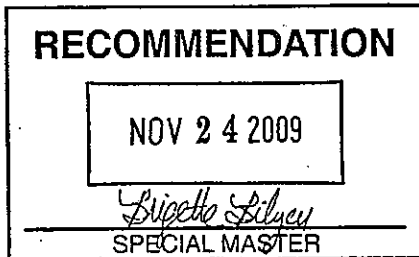
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RULE 54(b) CERTIFICATE

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

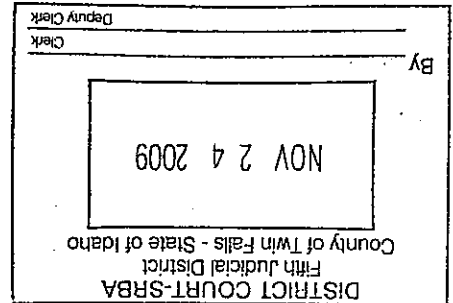
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

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

Water Right 37-00392



NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320

SOURCE: FRIEDMAN CREEK - TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 2.20 CFS

PRIORITY DATE: 05/20/1885

POINT OF DIVERSION: T02N R21E S12 SESWSE Within Blaine County
S14 NENESE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-31

QUANTITY
2.20 CFS

PLACE OF USE:

Irrigation
T02N R21E S13

Within Blaine County

S14

NENW 26.5
SWNW 28.0
NESW 12.0
SWNE 5.1
NENE 1.7
NESE 40.0
SWSE 38.0
SESE 5.2

NWNW 29.0
SENE 32.0
NWSW 23.0
SENE 25.0
SESW 3.6
NWSE 36.0
SESE 29.0

S22

S23

NENE 32.0
SWNE 34.0
NENW 1.5
NESW 40.0
SWSW 35.0
NESE 40.0
SWSE 40.0
SWNW 38.0
NWSW 39.0
SESW 17.0

NWNE 8.7
SENE 36.0
SENE 27.0
NWSW 13.0
SESW 40.0
NWSE 40.0
SESE 40.0
NESW 18.0
SWSW 39.0

S24

S25

NENW 13.0
SWNW 39.0
NESW 18.0
SWSW 8.1

NWNW 39.0
SENE 28.0
NWSW 38.0

S26

NENE 40.0
SWNE 40.0
NENW 40.0
SWNW 40.0
NESW 40.0
SWSW 37.0
NESE 40.0
SWSE 32.0

NWNE 40.0
SENE 40.0
NWNW 40.0
SENE 40.0
NWSW 40.0
SESW 32.0
NWSE 40.0
SESE 28.0

S27

NENE 35.0
SWNE 40.0
NENW 2.5
SENE 35.0
NWSW 2.8
NESE 40.0
SWSE 20.0
NENE 13.0
SWNE 25.0
NENW 16.0

NWNE 26.0
SENE 38.0
SWNW 2.4
NESW 17.0
SESW 3.1
NWSE 40.0
SESE 19.0
NWNE 14.0
SENE 20.0
NWNW 8.4

S35

PLACE OF USE (continued)

SEBW 5.3

2126.9 Acres Total

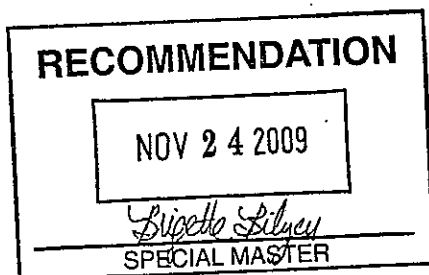
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00393

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
NOV 24 2009
By _____ Clerk _____ Deputy Clerk

NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320

SOURCE: FRIEDMAN CREEK TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 1.20 CFS

PRIORITY DATE: 06/15/1885

POINT OF DIVERSION: T02N R21E S12 SESWSE Within Blaine County
S14 NENESE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-31

QUANTITY
1.20 CFS

PLACE OF USE:

Irrigation
T02N R21E S13

Within Blaine County

S14

NENW 26.5
SWNW 28.0
NESW 12.0
SWNE 5.1
NESW 1.7
NESE 40.0
SWSE 38.0

NWNW 29.0
SENE 32.0
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SESW 3.6
NWSE 36.0
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S22

SESE 5.2

S23

NENE 32.0
SWNE 34.0
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S24

SWNW 38.0
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SESW 17.0

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SWSW 39.0

S25

NENW 13.0
SWNW 39.0
NESW 18.0
SWSW 8.1

NWNW 39.0
SENE 28.0
NWSW 38.0

S26

NENE 40.0
SWNE 40.0
NENW 40.0
SWNW 40.0
NESW 40.0
SWSW 37.0
NESE 40.0
SWSE 32.0

NWNE 40.0
SENE 40.0
NWNW 40.0
SENE 40.0
NWSW 40.0
SESW 32.0
NWSE 40.0
SESE 28.0

S27

NENE 35.0
SWNE 40.0
NENW 2.5
SENE 35.0
NWSW 2.8
NESE 40.0
SWSE 20.0

NWNE 26.0
SENE 38.0
SWNW 2.4
NESW 17.0
SESW 3.1
NWSE 40.0
SESE 19.0

S35

NENE 13.0
SWNE 25.0
NENW 16.0

NWNE 14.0
SENE 20.0
NWNW 8.4

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DEPARTMENT OF
WATER RESOURCES

PLACE OF USE (continued)

SENV 5.3

2126.9 Acres Total

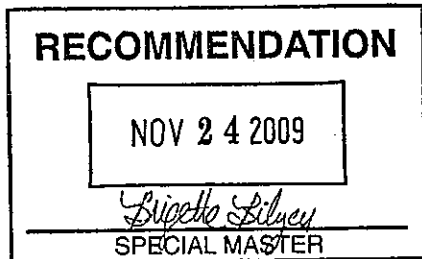
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00394

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho NOV 24 2009 By _____ _____ Clerk Deputy Clerk
--

NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320

SOURCE: FRIEDMAN CREEK TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 1.00 CFS

PRIORITY DATE: 04/01/1886

POINT OF DIVERSION: T02N R21E S12 SESWSE Within Blaine County
S14 NENESE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-31

QUANTITY
1.00 CFS

PLACE OF USE:

Irrigation
T02N R21E S13

Within Blaine County

S14

NENW 26.5
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SWNE 40.0
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SWSW 37.0
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SENW 5.3

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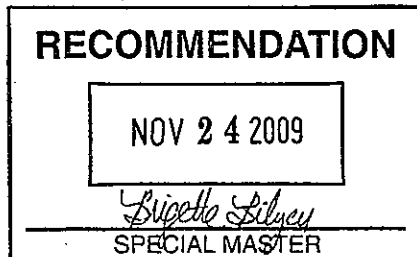
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In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00395

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho NOV 24 2009 By _____ Clerk Deputy Clerk
--

NAME AND ADDRESS: PLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320

SOURCE: FRIEDMAN CREEK TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 3.20 CFS

PRIORITY DATE: 06/01/1888

POINT OF DIVERSION: T02N R21E S12 SESWSE Within Blaine County
S14 NENESE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-31

QUANTITY
3.20 CFS

PLACE OF USE:

Irrigation
T02N R21E S13

Within Blaine County

S14

NENW 26.5	NWNW 29.0
SWNW 28.0	SENW 32.0
NESW 12.0	NWSW 23.0
SWNE 5.1	SENE 25.0
NESW 1.7	SESW 3.6
NESE 40.0	NWSE 36.0
SWSE 38.0	SESE 29.0

S22

SESE 5.2

S23

NENE 32.0 NWNW 8.7

SWNE 34.0 SENE 36.0

NENW 1.5 SENW 27.0

NESW 40.0 NWSW 13.0

SWSW 35.0 SESW 40.0

NESE 40.0 NWSE 40.0

SWSE 40.0 SESE 40.0

S24

SWNW 38.0 NESW 18.0

NWSW 39.0 SWSW 39.0

SESW 17.0

S25

NENW 13.0 NWNW 39.0

SWNW 39.0 SENW 28.0

NESW 18.0 NWSW 38.0

SWSW 8.1

S26

NENE 40.0 NWNW 40.0

SWNE 40.0 SENE 40.0

NENW 40.0 NWNW 40.0

SWNW 40.0 SENW 40.0

NESW 40.0 NWSW 40.0

SWSW 37.0 SESW 32.0

NESE 40.0 NWSE 40.0

SWSE 32.0 SESE 28.0

S27

NENE 35.0 NWNW 26.0

SWNE 40.0 SENE 38.0

NENW 2.5 SWNW 2.4

SESW 3.1

NESW 17.0

NWSW 2.8

NESE 40.0

SWSE 20.0

NENE 13.0

SWNE 25.0

NENW 16.0

S35

NWNW 8.4

PLACE OF USE (continued)

SENV 5.3

2126.9 Acres Total

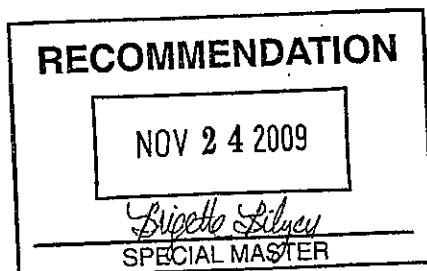
The rights listed below are limited to the irrigation of a combined total of 1,600 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, and 37-401. The rights listed below are limited to the irrigation of a combined total of 2,126.9 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, and 37-2260B. This right is limited to the irrigation of 1,600 acres within 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

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

NOV 24 2009

By _____ Clerk

Deputy Clerk

By _____ Clerk

Deputy Clerk

RECEIVED

NOV 25 2009

DEPARTMENT OF
WATER RESOURCES

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.20 CFS

Station	Direction	Wind Speed (m/s)	Wind Direction (°)	Wave Height (m)	Wave Period (s)	Wave Direction (°)	Wave Height (m)	Wave Period (s)	Wave Direction (°)
T02N R21E S13	NENW	26.0	315	2.0	6.0	315	2.0	6.0	315
	SWNW	28.0	290	2.0	6.0	290	2.0	6.0	290
	NESW	12.0	315	2.0	6.0	315	2.0	6.0	315
	SWNE	5.1	315	2.0	6.0	315	2.0	6.0	315
S14	NESW	1.7	315	2.0	6.0	315	2.0	6.0	315
	NESE	40.0	135	2.0	6.0	135	2.0	6.0	135
	SWSE	38.0	225	2.0	6.0	225	2.0	6.0	225
	SESE	5.2	135	2.0	6.0	135	2.0	6.0	135
S22	SESE	5.2	135	2.0	6.0	135	2.0	6.0	135
	SESE	5.2	135	2.0	6.0	135	2.0	6.0	135
S23	NENE	32.0	45	2.0	6.0	45	2.0	6.0	45
	SWNE	34.0	315	2.0	6.0	315	2.0	6.0	315
S24	NENW	1.5	315	2.0	6.0	315	2.0	6.0	315
	NESW	40.0	315	2.0	6.0	315	2.0	6.0	315
	SWSW	35.0	225	2.0	6.0	225	2.0	6.0	225
	NESE	40.0	135	2.0	6.0	135	2.0	6.0	135
	SWSE	40.0	225	2.0	6.0	225	2.0	6.0	225
	SWNW	38.0	290	2.0	6.0	290	2.0	6.0	290
	NWSW	39.0	315	2.0	6.0	315	2.0	6.0	315
	SESW	17.0	135	2.0	6.0	135	2.0	6.0	135
	NENW	13.0	315	2.0	6.0	315	2.0	6.0	315
	SWNW	39.0	290	2.0	6.0	290	2.0	6.0	290
S25	NESW	18.0	315	2.0	6.0	315	2.0	6.0	315
	SWSW	8.1	225	2.0	6.0	225	2.0	6.0	225
S26	NENE	40.0	45	2.0	6.0	45	2.0	6.0	45
	SWNE	40.0	315	2.0	6.0	315	2.0	6.0	315
	NENW	40.0	315	2.0	6.0	315	2.0	6.0	315
	SWNW	40.0	290	2.0	6.0	290	2.0	6.0	290
	NESW	40.0	315	2.0	6.0	315	2.0	6.0	315
	SWSW	37.0	225	2.0	6.0	225	2.0	6.0	225
	NESE	40.0	135	2.0	6.0	135	2.0	6.0	135
	SWSE	32.0	225	2.0	6.0	225	2.0	6.0	225
S27	NENE	35.0	45	2.0	6.0	45	2.0	6.0	45
	SWNE	40.0	315	2.0	6.0	315	2.0	6.0	315
	NENW	2.5	315	2.0	6.0	315	2.0	6.0	315
	SENW	35.0	135	2.0	6.0	135	2.0	6.0	135
	NWSW	2.8	315	2.0	6.0	315	2.0	6.0	315
	NESE	40.0	135	2.0	6.0	135	2.0	6.0	135
	SWSE	20.0	225	2.0	6.0	225	2.0	6.0	225
	NENE	13.0	45	2.0	6.0	45	2.0	6.0	45
S35	SWNE	25.0	315	2.0	6.0	315	2.0	6.0	315
	NENW	16.0	315	2.0	6.0	315	2.0	6.0	315
	NENW	16.0	315	2.0	6.0	315	2.0	6.0	315

PLACE OF USE (continued)

SEBW 5.3

2126.9 Acres Total

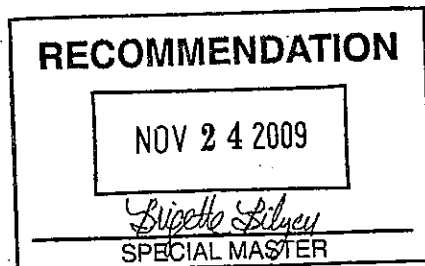
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 37-00397

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

NOV 24 2009

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

FLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320

SOURCE :

FRIEDMAN CREEK TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY:

3.20 · CFS

PRIORITY DATE:

06/01/1897

POINT OF DIVERSION:

T02N R21E S12
S14

SESWSE Within Blaine County
NENESE

PURPOSE AND
PERIOD OF USE

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-31

QUANTITY
3.20 CFS

PLACE OF USE:

Irrigation
T02N R21E S13

Within Blaine County

NENW 26.5	NWNW 29.0
SWNW 28.0	SENW 32.0
NESW 12.0	NWSW 23.0
SWNE 5.1	SENE 25.0
NESW 1.7	SESW 3.6
NESE 40.0	NWSE 36.0
SWSE 38.0	SESE 29.0
SESE 5.2	
NENE 32.0	NWNE 8.7
SWNE 34.0	SENE 36.0
NENW 1.5	SENW 27.0
NESW 40.0	NWSW 13.0
SWSW 35.0	SESW 40.0
NESE 40.0	NWSE 40.0
SWSE 40.0	SESE 40.0
SWNW 38.0	NESW 18.0
NWSW 39.0	SWSW 39.0
SESW 17.0	
NENW 13.0	NWNW 39.0
SWNW 39.0	SENW 28.0
NESW 18.0	NWSW 38.0
SWSW 8.1	
NENE 40.0	NWNE 40.0
SWNE 40.0	SENE 40.0
NENW 40.0	NWNW 40.0
SWNW 40.0	SENW 40.0
NESW 40.0	NWSW 40.0
SWSW 37.0	SESW 32.0
NESE 40.0	NWSE 40.0
SWSE 32.0	SESE 28.0
NENE 35.0	NWNE 26.0
SWNE 40.0	SENE 38.0
NENW 2.5	SWNW 2.4
SENW 35.0	NESW 17.0
NWSW 2.8	SESW 3.1
NESE 40.0	NWSE 40.0
SWSE 20.0	SESE 19.0
NENE 13.0	NWNE 14.0
SWNE 25.0	SENE 20.0
NENW 16.0	NWNW 8.4

NWNW	29.0
SENW	32.0
NWSW	23.0
SENE	25.0
SESW	3.6
NWSE	36.0
SESE	29.0
NWNE	8.7
SENE	36.0
SENW	27.0
NWSW	13.0
SESW	40.0
NWSE	40.0
SESE	40.0
NESW	18.0
SWSW	39.0
NWNW	39.0
SENW	28.0
NWSW	38.0
NWNE	40.0
SENE	40.0
NWNW	40.0
SENW	40.0
NWSW	40.0
SESW	32.0
NWSE	40.0
SESE	28.0
NWNE	26.0
SENE	38.0
SWNW	2.4
NESW	17.0
SESW	3.1
NWSE	40.0
SESE	19.0
NWNE	14.0
SENE	20.0
NWNW	8.4

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 37-00397 File Number: 01308

PAGE 1
Nov-20-2009

PLACE OF USE (continued)

SENW 5.3

2126.9 Acres Total

The rights listed below are limited to the irrigation of a combined total of 2,126.9 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, and 37-2260B.

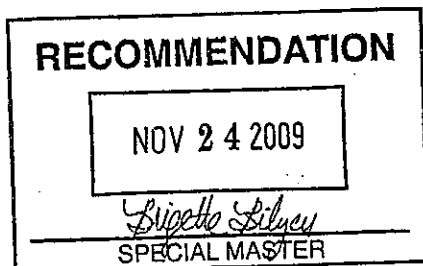
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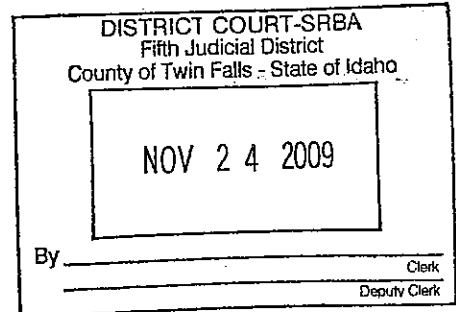


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00398



NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320

SOURCE: FRIEDMAN CREEK TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 3.20 CFS

PRIORITY DATE: 04/15/1901

POINT OF DIVERSION: T02N R21E S12 SESWSE Within Blaine County
S14 NENESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.20 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T02N R21E S13	NENW 26.5	NWNW 29.0
	SWNW 28.0	SENW 32.0
	NESW 12.0	NWSW 23.0
S14	SWNE 5.1	SENE 25.0
	NESW 1.7	SESW 3.6
	NESE 40.0	NWSE 36.0
	SWSE 38.0	SESE 29.0
S22	SESE 5.2	
S23	NENE 32.0	NWNE 8.7
	SWNE 34.0	SENE 36.0
	NENW 1.5	SENW 27.0
	NESW 40.0	NWSW 13.0
	SWSW 35.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S24	SWNW 38.0	NESW 18.0
	NWSW 39.0	SWSW 39.0
	SESW 17.0	
S25	NENW 13.0	NWNW 39.0
	SWNW 39.0	SENW 28.0
	NESW 18.0	NWSW 38.0
	SWSW 8.1	
S26	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 37.0	SESW 32.0
	NESE 40.0	NWSE 40.0
	SWSE 32.0	SESE 28.0
S27	NENE 35.0	NWNE 26.0
	SWNE 40.0	SENE 38.0
	NENW 2.5	SWNW 2.4
	SENW 35.0	NESW 17.0
	NWSW 2.8	SESW 3.1
	NESE 40.0	NWSE 40.0
	SWSE 20.0	SESE 19.0
S35	NENE 13.0	NWNE 14.0
	SWNE 25.0	SENE 20.0
	NENW 16.0	NWNW 8.4

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DEPARTMENT OF
WATER RESOURCES

PLACE OF USE (continued)

SENW 5.3

2126.9 Acres Total

The rights listed below are limited to the irrigation of a combined total of 2,126.9 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, and 37-2260B.

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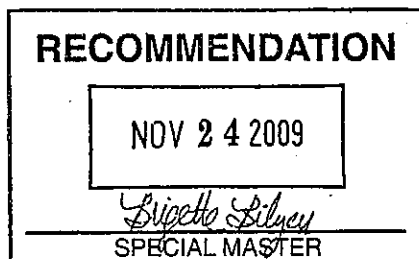
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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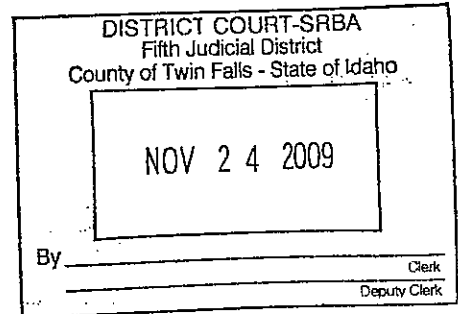


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00399



NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320

SOURCE: FRIEDMAN CREEK TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 1.20 CFS

PRIORITY DATE: 10/15/1902

POINT OF DIVERSION: T02N R21E S12 SESWSE Within Blaine County
S14 NENESE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-31 1.20 CFS

PLACE OF USE: Irrigation T02N R21E S13 Within Blaine County

	NENW 26.5	NWNW 29.0
	SWNW 28.0	SENW 32.0
	NESW 12.0	NWSW 23.0
S14	SWNE 5.1	SENE 25.0
	NESW 1.7	SESW 3.6
	NESE 40.0	NWSE 36.0
	SWSE 38.0	SESE 29.0
S22	SESE 5.2	
S23	NENE 32.0	NWNE 8.7
	SWNE 34.0	SENE 36.0
	NENW 1.5	SENW 27.0
	NESW 40.0	NWSW 13.0
	SWSW 35.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S24	SWNW 38.0	NESW 18.0
	NWSW 39.0	SWSW 39.0
	SESW 17.0	
S25	NENW 13.0	NWNW 39.0
	SWNW 39.0	SENW 28.0
	NESW 18.0	NWSW 38.0
	SWSW 8.1	
S26	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 37.0	SESW 32.0
	NESE 40.0	NWSE 40.0
	SWSE 32.0	SESE 28.0
S27	NENE 35.0	NWNE 26.0
	SWNE 40.0	SENE 38.0
	NENW 2.5	SWNW 2.4
	SENW 35.0	NESW 17.0
	NWSW 2.8	SESW 3.1
	NESE 40.0	NWSE 40.0
	SWSE 20.0	SESE 19.0
S35	NENE 13.0	NWNE 14.0
	SWNE 25.0	SENE 20.0
	NENW 16.0	NWNW 8.4

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NOV 25 2009

DEPARTMENT OF
WATER RESOURCES

PLACE OF USE (continued)

SENW 5.3

2126.9 Acres Total

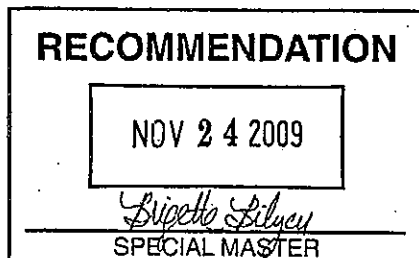
The rights listed below are limited to the irrigation of a combined total of 1,600 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, and 37-401. The rights listed below are limited to the irrigation of a combined total of 2,126.9 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, and 37-2260B. This right is limited to the irrigation of 1,600 acres within 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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00400

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

NOV 24 2009

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320

SOURCE: FRIEDMAN CREEK TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 16.00 CFS

PRIORITY DATE: 07/01/1905

POINT OF DIVERSION: T02N R21E S12 SESWSE Within Blaine County
S14 NENESE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-31

QUANTITY
16.00 CFS

RECEIVED
NOV 25 2009

DEPARTMENT OF
WATER RESOURCES

PLACE OF USE:

Irrigation
T02N R21E S13

Within Blaine County

	NENW 26.5	NWNW 29.0
	SWNW 28.0	SENW 32.0
	NESW 12.0	NWSW 23.0
S14	SWNE 5.1	SENE 25.0
	NESW 1.7	SESW 3.6
	NESE 40.0	NWSE 36.0
	SWSE 38.0	SESE 29.0
S22	SESE 5.2	
S23	NENE 32.0	NWNE 8.7
	SWNE 34.0	SENE 36.0
	NENW 1.5	SENW 27.0
	NESW 40.0	NWSW 13.0
	SWSW 35.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S24	SWNW 38.0	NESW 18.0
	NWSW 39.0	SWSW 39.0
	SESW 17.0	
S25	NENW 13.0	NWNW 39.0
	SWNW 39.0	SENW 28.0
	NESW 18.0	NWSW 38.0
	SWSW 8.1	
S26	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 37.0	SESW 32.0
	NESE 40.0	NWSE 40.0
	SWSE 32.0	SESE 28.0
S27	NENE 35.0	NWNE 26.0
	SWNE 40.0	SENE 38.0
	NENW 2.5	SWNW 2.4
	SENW 35.0	NESW 17.0
	NWSW 2.8	SESW 3.1
	NESE 40.0	NWSE 40.0
	SWSE 20.0	SESE 19.0
S35	NENE 13.0	NWNE 14.0
	SWNE 25.0	SENE 20.0
	NENW 16.0	NWNW 8.4

PLACE OF USE (continued)

SEBW 5.3

2126.9 Acres Total

The rights listed below are limited to the irrigation of a combined total of 1,600 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, and 37-401. The rights listed below are limited to the irrigation of a combined total of 2,126.9 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, and 37-2260B. This right is limited to the irrigation of 1,600 acres within 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.

RECOMMENDATION

NOV 24 2009

Bucella Silvey
SPECIAL MASTER

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 37-00401

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho NOV 24 2009 By _____ Clerk Deputy Clerk
--

NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320

SOURCE: FRIEDMAN CREEK TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 9.40 CFS

PRIORITY DATE: 05/12/1888

POINT OF DIVERSION: T02N R21E S12 SESWSE Within Blaine County
S14 NENESE

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	9.40 CFS

PLACE OF USE:	Irrigation		Within Blaine County
	T02N R21E S13	NENW 26.5	NWNW 29.0
		SWNW 28.0	SENW 32.0
		NESW 12.0	NWSW 23.0
	S14	SWNE 5.1	SENE 25.0
		NESW 1.7	SESW 3.6
		NESE 40.0	NWSE 36.0
		SWSE 38.0	SESE 29.0
	S22	SESE 5.2	
	S23	NENE 32.0	NWNE 8.7
		SWNE 34.0	SENE 36.0
		NENW 1.5	SENW 27.0
		NESW 40.0	NWSW 13.0
		SWSW 35.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S24	SWNW 38.0	NESW 18.0
		NWSW 39.0	SWSW 39.0
		SESW 17.0	
	S25	NENW 13.0	NWNW 39.0
		SWNW 39.0	SENW 28.0
		NESW 18.0	NWSW 38.0
		SWSW 8.1	
	S26	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 37.0	SESW 32.0
		NESE 40.0	NWSE 40.0
		SWSE 32.0	SESE 28.0
	S27	NENE 35.0	NWNE 26.0
		SWNE 40.0	SENE 38.0
		NENW 2.5	SWNW 2.4
		SENW 35.0	NESW 17.0
		NWSW 2.8	SESW 3.1
		NESE 40.0	NWSE 40.0
		SWSE 20.0	SESE 19.0
	S35	NENE 13.0	NWNE 14.0
		SWNE 25.0	SENE 20.0
		NENW 16.0	NWNW 8.4

RECEIVED

NOV 25 2009

DEPARTMENT OF
WATER RESOURCES

PLACE OF USE (continued)

SENV 5.3

2126.9 Acres Total

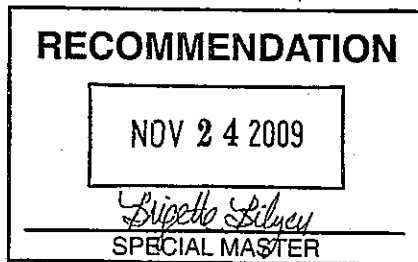
This right is limited to the irrigation of 1,600 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 1,600 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, and 37-401. The rights listed below are limited to the irrigation of a combined total of 2,126.9 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, and 37-2260B.

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 37-02092

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho NOV 24 2009 By _____ Clerk Deputy Clerk
--

NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320

SOURCE: FRIEDMAN CREEK TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 3.20 CFS

PRIORITY DATE: 11/15/1907

POINT OF DIVERSION: T02N R21E S12 SESWSE Within Blaine County
S14 NENESE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-31

QUANTITY
3.20 CFS

PLACE OF USE:

Irrigation
T02N R21E S13

S14

S22

S23

S24

S25

S26

S27

S35

NENW 26.5
SWNW 28.0
NESW 12.0
SWNE 5.1
NESW 1.7
NESE 40.0
SWSE 38.0
SESE 5.2
NENE 32.0
SWNE 34.0
NENW 1.5
NESW 40.0
SWSW 35.0
NESE 40.0
SWSE 40.0
SWNW 38.0
NWSW 39.0
SESW 17.0
NENW 13.0
SWNW 39.0
NESW 18.0
SWSW 8.1
NENE 40.0
SWNE 40.0
NENW 40.0
SWNW 40.0
NESW 40.0
SWSW 37.0
NESE 40.0
SWSE 32.0
NENE 35.0
SWNE 40.0
NENW 2.5
SESW 35.0
NWSW 2.8
NESE 40.0
SWSE 20.0
NENE 13.0
SWNE 25.0
NENW 16.0

Within Blaine County

NWNW 29.0
SESW 32.0
NWSW 23.0
SENE 25.0
SESW 3.6
NWSE 36.0
SESE 29.0
NWNE 8.7
SENE 36.0
SESW 27.0
NWSW 13.0
SESW 40.0
NWSE 40.0
SESE 40.0
NESW 18.0
SWSW 39.0
NWNW 39.0
SESW 28.0
NWSW 38.0
NWNE 40.0
SENE 40.0
NWNW 40.0
SESW 40.0
NWSW 40.0
SESW 32.0
NWSE 40.0
SESE 28.0
NWNE 26.0
SENE 38.0
SWNW 2.4
NESW 17.0
SESW 3.1
NWSE 40.0
SESE 19.0
NWNE 14.0
SENE 20.0
NWNW 8.4

RECEIVED

NOV 25 2009

DEPARTMENT OF
WATER RESOURCES

PLACE OF USE (continued)

SENV 5.3

2126.9 Acres Total

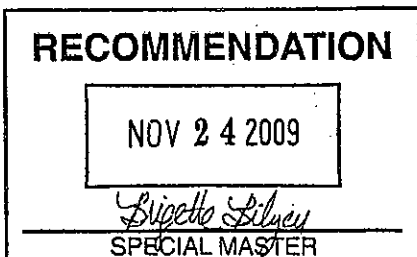
The rights listed below are limited to the irrigation of a combined total of 2,126.9 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, and 37-2260B. This right is limited to the irrigation of 160 acres within 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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-02234

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

NOV 24 2009

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320

SOURCE: FRIEDMAN CREEK TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 1.50 CFS

PRIORITY DATE: 04/04/1912

POINT OF DIVERSION: T02N R21E S12 S14
SESWSE Within Blaine County
NENESE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-31

QUANTITY
1.50 CFS

RECEIVED

NOV 25 2009

DEPARTMENT OF
WATER RESOURCES

PLACE OF USE:

Irrigation
T02N R21E S13

NENW 26.5
SWNW 28.0
NESW 12.0
SWNE 5.1
NESW 1.7
NESE 40.0
SWSE 38.0
SESE 5.2

Within Blaine County

NWNW 29.0
SESW 32.0
NWSW 23.0
SENE 25.0
SESW 3.6
NWSE 36.0
SESE 29.0

S14

S22
S23

NENE 32.0
SWNE 34.0
NENW 1.5
NESW 40.0
SWSW 35.0
NESE 40.0
SWSE 40.0
SWNW 38.0
NWSW 39.0
SESW 17.0
NENW 13.0
SWNW 39.0
NESW 18.0
SWSW 8.1

NWNE 8.7
SENE 36.0
SESW 27.0
NWSW 13.0
SESW 40.0
NWSE 40.0
SESE 40.0
NESW 18.0
SWSW 39.0

S24

S25

S26

NENE 40.0
SWNE 40.0
NENW 40.0
SWNW 40.0
NESW 40.0
SWSW 37.0
NESE 40.0
SWSE 32.0
NENE 35.0
SWNE 40.0
NENW 2.5
SESW 35.0
NWSW 2.8
NESE 40.0
SWSE 20.0
NENE 13.0
SWNE 25.0
NENW 16.0

NWNE 40.0
SENE 40.0
NWNW 40.0
SESW 40.0
NWSW 40.0
SESW 32.0
NWSE 40.0
SESE 28.0
NWNE 26.0
SENE 38.0
SWNW 2.4
NESW 17.0
SESW 3.1
NWSE 40.0
SESE 19.0
NWNE 14.0
SENE 20.0
NWNW 8.4

S27

S35

PLACE OF USE (continued)

SEBW 5.3

2126.9 Acres Total

The rights listed below are limited to the irrigation of a combined total of 2,126.9 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, and 37-2260B. This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 165 acres in a single irrigation season. Combined Right Nos.: 37-2234 and 37-2294.

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.

RECOMMENDATION

NOV 24 2009

Digette Silvey
SPECIAL MASTER

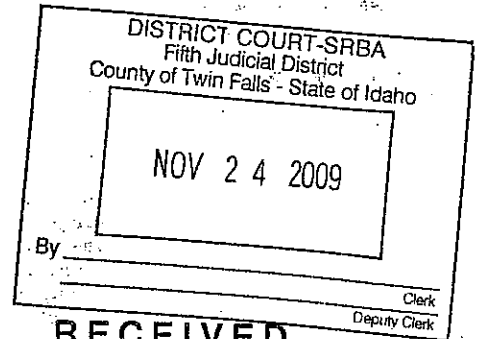
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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 37-02260A



NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320

SOURCE: FRIEDMAN CREEK TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 0.94 CFS

PRIORITY DATE: 02/13/1913

POINT OF DIVERSION: T02N R21E S12 SESWSE Within Blaine County
S14 NENESE

RECEIVED

NOV 25 2009

DEPARTMENT OF
WATER RESOURCES

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.94 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T02N R21E S13	NENW 26.5	NWNW 29.0
	SWNW 28.0	SENW 32.0
	NESW 12.0	NWSW 23.0
S14	SWNE 5.1	SENE 25.0
	NESW 1.7	SESW 3.6
	NESE 40.0	NWSE 36.0
	SWSE 38.0	SESE 29.0
S22	SESE 5.2	
S23	NENE 32.0	NWNE 8.7
	SWNE 34.0	SENE 36.0
	NENW 1.5	SENW 27.0
	NESW 40.0	NWSW 13.0
	SWSW 35.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S24	SWNW 38.0	NESW 18.0
	NWSW 39.0	SWSW 39.0
	SESW 17.0	
S25	NENW 13.0	NWNW 39.0
	SWNW 39.0	SENW 28.0
	NESW 18.0	NWSW 38.0
	SWSW 8.1	
S26	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 37.0	SESW 32.0
	NESE 40.0	NWSE 40.0
	SWSE 32.0	SESE 28.0
S27	NENE 35.0	NWNE 26.0
	SWNE 40.0	SENE 38.0
	NENW 2.5	SWNW 2.4
	SENW 35.0	NESW 17.0
	NWSW 2.8	SESW 3.1
	NESE 40.0	NWSE 40.0
	SWSE 20.0	SESE 19.0
S35	NENE 13.0	NWNE 14.0
	SWNE 25.0	SENE 20.0
	NENW 16.0	NWNW 8.4

PLACE OF USE (continued)

SEBW 5.3

2126.9 Acres Total

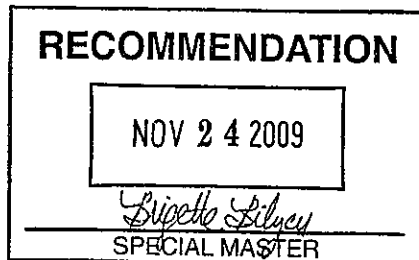
This right is limited to the irrigation of 47 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 2,126.9 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, and 37-2260B.

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

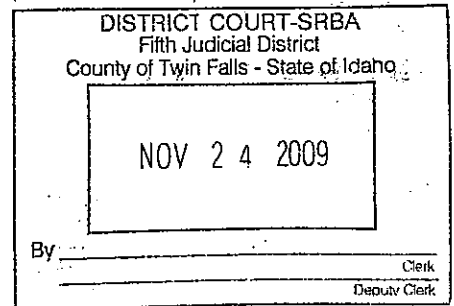
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

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

Water Right 37-02260B



NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320

SOURCE: FRIEDMAN CREEK TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 0.60 CFS

PRIORITY DATE: 02/13/1913

POINT OF DIVERSION: T02N R21E S12 SESWSE Within Blaine County
S14 NENESE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-31

QUANTITY
0.60 CFS

PLACE OF USE:	Irrigation		Within Blaine County
	T02N R21E S13	NENW 26.5	NWNW 29.0
		SWNW 28.0	SENE 32.0
		NESW 12.0	NWSW 23.0
	S14	SWNE 5.1	SENE 25.0
		NESW 1.7	SESW 3.6
		NESE 40.0	NWSE 36.0
		SWSE 38.0	SESE 29.0
	S22	SESE 5.2	
	S23	NENE 32.0	NWNE 8.7
		SWNE 34.0	SENE 36.0
		NENW 1.5	SENE 27.0
		NESW 40.0	NWSW 13.0
		SWSW 35.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S24	SWNW 38.0	NESW 18.0
		NWSW 39.0	SWSW 39.0
		SESW 17.0	
	S25	NENW 13.0	NWNW 39.0
		SWNW 39.0	SENE 28.0
		NESW 18.0	NWSW 38.0
		SWSW 8.1	
	S26	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENE 40.0
		NESW 40.0	NWSW 40.0
		SWSW 37.0	SESW 32.0
		NESE 40.0	NWSE 40.0
		SWSE 32.0	SESE 28.0
	S27	NENE 35.0	NWNE 26.0
		SWNE 40.0	SENE 38.0
		NENW 2.5	SWNW 2.4
		SENE 35.0	NESW 17.0
		NWSW 2.8	SESW 3.1
		NESE 40.0	NWSE 40.0
		SWSE 20.0	SESE 19.0
	S35	NENE 13.0	NWNE 14.0
		SWNE 25.0	SENE 20.0
		NENW 16.0	NWNW 8.4

PLACE OF USE (continued)

SENW 5.3
2126.9 Acres Total

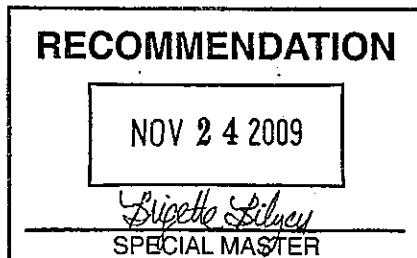
The rights listed below are limited to the irrigation of a combined total of 2,126.9 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, and 37-2260B. This right is limited to the irrigation of 30.5 acres within 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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-02294

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho NOV 24 2009 By _____ Clerk Deputy Clerk

NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320

SOURCE: FRIEDMAN CREEK TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 1.50 CFS

PRIORITY DATE: 08/12/1914

POINT OF DIVERSION: T02N R21E S12 SESWSE Within Blaine County
S14 NENESE

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.50 CFS

PLACE OF USE:	Irrigation		Within Blaine County
	T02N R21E S13	NENW 26.5	NWNW 29.0
		SWNW 28.0	SENW 32.0
		NESW 12.0	NWSW 23.0
	S14	SWNE 5.1	SENE 25.0
		NESW 1.7	SESW 3.6
		NESE 40.0	NWSE 36.0
		SWSE 38.0	SESE 29.0
	S22	SESE 5.2	
	S23	NENE 32.0	NWNE 8.7
		SWNE 34.0	SENE 36.0
		NENW 1.5	SENW 27.0
		NESW 40.0	NWSW 13.0
		SWSW 35.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S24	SWNW 38.0	NESW 18.0
		NWSW 39.0	SWSW 39.0
		SESW 17.0	
	S25	NENW 13.0	NWNW 39.0
		SWNW 39.0	SENW 28.0
		NESW 18.0	NWSW 38.0
		SWSW 8.1	
	S26	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 37.0	SESW 32.0
		NESE 40.0	NWSE 40.0
		SWSE 32.0	SESE 28.0
	S27	NENE 35.0	NWNE 26.0
		SWNE 40.0	SENE 38.0
		NENW 2.5	SWNW 2.4
		SENW 35.0	NESW 17.0
		NWSW 2.8	SESW 3.1
		NESE 40.0	NWSE 40.0
		SWSE 20.0	SESE 19.0
	S35	NENE 13.0	NWNE 14.0
		SWNE 25.0	SENE 20.0
		NENW 16.0	NWNW 8.4

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NOV 25 2009

DEPARTMENT OF
WATER RESOURCES

PLACE OF USE (continued)

SEBW 5.3

2126.9 Acres Total

This right is limited to the irrigation of 150 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 2,126.9 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, and 37-2260B.

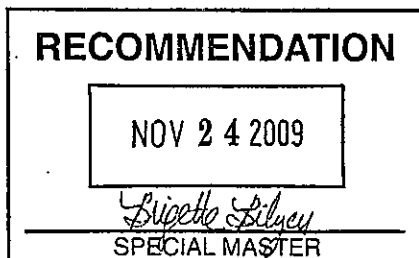
The rights listed below are limited to the irrigation of a combined total of 165 acres in a single irrigation season. Combined Right Nos.: 37-2234 and 37-2294.

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

EXHIBIT A

Subcase Nos:

37-00390
37-00391
37-00392
37-00393
37-00394
37-00395
37-00396
37-00397
37-00398
37-00399
37-00400
37-00401
37-02092
37-02234
37-02260A
37-02260B
37-02294

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NOV 25 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
NOV 24 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): 37-00390
(SEE ATTACHED EXHIBIT A)

On November 24, 2009, Special Master BRIGETTE BILYEU 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 24, 2009.

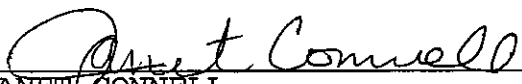

JANET CONNELL
Deputy Clerk

Exhibit A

Subcase Nos:

37-00390
37-00391
37-00392
37-00393
37-00394
37-00395
37-00396
37-00397
37-00398
37-00399
37-00400
37-00401
37-02092
37-02234
37-02260A
37-02260B
37-02294

RECEIVED
NOV 25 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 24 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): 37-00390
(SEE ATTACHED EXHIBIT A)

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 24, 2009, with sufficient first-class postage prepaid to the following:

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

CERTIFICATE OF MAILING

PAGE 1
11/24/09

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

FLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320
Phone: 208-788-2850


JANET CONNELL
Deputy Clerk

Exhibit A

Subcase Nos:

37-00390
37-00391
37-00392
37-00393
37-00394
37-00395
37-00396
37-00397
37-00398
37-00399
37-00400
37-00401
37-02092
37-02234
37-02260A
37-02260B
37-02294