

RECEIVED
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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 25 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 67-14396, 67-
	)	14399, 67-14960, 67-14961, 67-14968, 67-
	)	14962 and 67-14963.
	)	

I. FINDINGS OF FACT

Notices of claim were filed for the water rights 67-14396 and 67-14399 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 or abstract for the elements of these water rights.

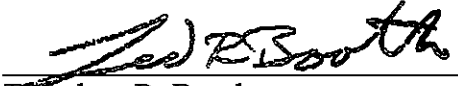
On August 22, 2007, the State of Idaho, Department of Lands, filed objections to the *Director's Report*. On September 16, 2009, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each subcase which resolved the objections. The filing of a *Standard Form 5* resulted in splitting the former parent right 67-14396 into assigned split right numbers 67-14960, 67-14961, 67-14938, and disallowing 67-14396. In addition, the filing of a *Standard Form 5* resulted in splitting the former parent right 67-14399 into assigned split right numbers 67-14962 and 67-14963, and disallowing 67-14399. The Idaho Department of Water Resources concurred with the stipulations.

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 67-14396 and 67-14399 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 67-14960, 67-14961, 67-

14968, 67-14962, and 67-14963 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Nov 25, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 67-14960

NAME AND ADDRESS: A L CATTLE INC
PO BOX 608
EMMETT, ID 83617

SOURCE: ROAD GULCH CREEK TRIBUTARY: SHEEP CREEK
SHEEP CREEK TRIBUTARY: NORTH CRANE CREEK
SWAMP CREEK TRIBUTARY: NORTH CRANE CREEK
UNNAMED STREAM TRIBUTARY: SHEEP CREEK
NORTH CRANE CREEK TRIBUTARY: CRANE CREEK

QUANTITY: 0.02 CFS

This right shall be used in conjunction with Water Right Nos.
67-14961 and 67-14968. Water Right Nos. 67-14960, 67-14961 and
67-14968 are limited to a total combined diversion rate of
0.02 cfs and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 10/07/1909

POINT OF DIVERSION:	T11N R01E S05	SWNE	(Instream Beginning Point) Within Washington County
		SWSE	(Instream Beginning Point)
	S06	NWNW	(Instream Ending Point)
		SWNW	(Instream Ending Point)
		NWNW	(Instream Ending Point)
	S07	NWNE	(Instream Ending Point)
	S08	SWNW	(Instream Ending Point)
		SENE	(Instream Beginning Point)
		NWSW	(Instream Ending Point)
		SESE	(Instream Beginning Point)
	S18	NESE	(Instream Ending Point)
	S20	SWSW	(Instream Beginning Point)
	S21	SWSW	(Instream Beginning Point)
	T12N R01E S28	NENE	(Instream Beginning Point)
	R01W S25	NENE	(Instream Beginning Point)
		SENE	(Instream Ending Point)
		SWSW	(Instream Ending Point)
		SWSW	(Instream Beginning Point)

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Washington County
	T11N R01E S05	SWNE SWNW
		SENE SWSW
		SESW SWSE
	S06 LOT 1	(NENE) LOT 2 (NWNE)
		SWNE SENE
	LOT 4	(NWNW) SWNW
		SENE NESW
		SESW SWSE
		SESE
	S07	NENE NWNE
		SENE SESE
	S08	SWNW SENW
		NESW NWSW
		SWSW NWSE
		SWSE SESE

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	S17	SWSW	
	S18	NENE	NWNE
		SWNE	NESE
		NWSE	SESE
	S19	NENE	
	S20	NWNE	SWNE
		NENW	NWNW
		SWNW	NWSW
		SWSW	NESE
		NWSE	
	S21	NWSW	SWSW
T12N R01E	S28	NENE	NWNE
		SWNE	SENE
		NWSE	SWSE
	S31	SESW	SWSE
		SESE	
	S32	SWNE	SENE
		SENW	NESW
		NWSW	SWSW
	S33	NWNE	NENW
		SWNW	SENW
R01W	S25	NENE	NWNE
		NENW	SENW
		SWSW	

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

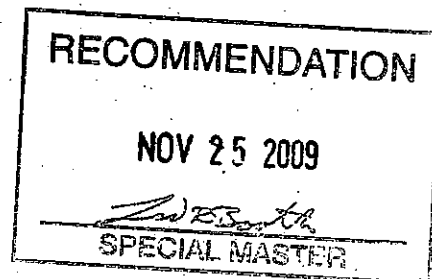
The quantity of water decreed for this water right is not a determination of historical beneficial use.

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



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 67-14961

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST
PO BOX 83720
BOISE, ID 83720-0050

A L CATTLE INC
PO BOX 608
EMMETT, ID 83617

SOURCE: SHEEP CREEK TRIBUTARY: NORTH CRANE CREEK
NORTH CRANE CREEK TRIBUTARY: CRANE CREEK

QUANTITY: 0.02 CFS

This right shall be used in conjunction with Water Right Nos.
67-14960, and 67-14968. Water Right Nos. 67-14960, 67-14961 and
67-14968 are limited to a total combined diversion rate of 0.02
cfs and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 10/07/1909

POINT OF DIVERSION: T12N R01W S36 SESE (Instream Beginning Point) Within Washington County
NWNW (Instream Ending Point)
NWNW (Instream Beginning Point)
NWNW (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Washington County
	T12N R01W S36	
	NWNE	SWNE
	SENE	NENW
	NWNW	NESE
	SESE	

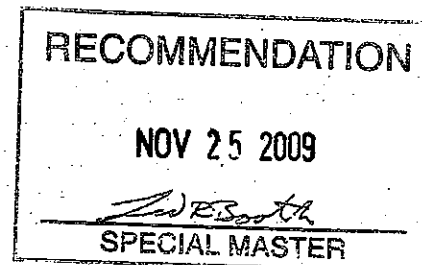
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.
The ownership of Water Right No. 67-14961 is governed by a private agreement executed by the Idaho Department of Lands and A L Cattle Inc. on July 15, 2009.
Access to the point of diversion and place of use of Water Right No. 67-14961 is governed by a private agreement executed by the Idaho Department of Lands and A L Cattle Inc. on July 15, 2009.
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 67-14968

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
300 N 6 ST
PO BOX 83720
BOISE, ID 83720-0050

A L CATTLE INC
PO BOX 608
EMMETT, ID 83617

SOURCE: SHEEP CREEK TRIBUTARY: NORTH CRANE CREEK

QUANTITY: 0.02 CFS

This right shall be used in conjunction with Water Right Nos.
67-14960 and 67-14961. Water Right Nos. 67-14960, 67-14961 and
67-14968 are limited to a total combined diversion rate of 0.02
cfs and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 10/07/1909

POINT OF DIVERSION: T11N R01W S01 LOT 1 (NENE) (Instream Beginning Point) Within Washington County
LOT 1 (NENE) (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Washington County
T11N R01W S01 LOT 1 (NENE)

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

The ownership of Water Right No. 67-14968 is governed by a
private agreement executed by the Idaho Department of Lands and
A L Cattle Inc. on July 15, 2009.

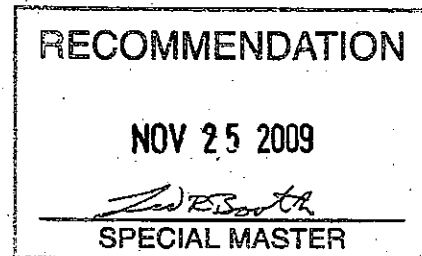
Access to the point of diversion and place of use of Water Right
No. 67-14968 is governed by a private agreement executed by the
Idaho Department of Lands and A L Cattle Inc. on July 15, 2009.

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 67-14962

NAME AND ADDRESS: A L CATTLE INC
PO BOX 608
EMMETT, ID 83617

SOURCE: MIDDLE CREEK TRIBUTARY: NORTH CRANE CREEK
SHIRTS CREEK TRIBUTARY: NORTH CRANE CREEK
UNNAMED STREAM TRIBUTARY: MIDDLE CREEK
UNNAMED STREAM TRIBUTARY: SHIRTS CREEK

QUANTITY: 0.02 CFS

This right shall be used in conjunction with Water Right No.
67-14963. Water Right Nos. 67-14962 and 67-14963 are limited
to a total combined diversion rate of 0.02 cfs and a total
combined quantity of 13,000 gallons per day.

PRIORITY DATE: 10/07/1909

POINT OF DIVERSION: T12N R01E S04 LOT 3 (NENW) (Instream Beginning Point) Within Washington County
NESE (Instream Beginning Point)
T13N R01E S28 SESE (Instream Beginning Point)
SWSW (Instream Beginning Point)
S29 SESE (Instream Beginning Point)
S30 NESE (Instream Ending Point)
NESE (Instream Ending Point)
NWSE (Instream Ending Point)
S31 NESE (Instream Ending Point)
NWSW (Instream Ending Point)
S32 NESE (Instream Ending Point)
SWSW (Instream Beginning Point)
S33 NWNW (Instream Beginning Point)
SENE (Instream Beginning Point)
SWSW (Instream Ending Point)
SESE (Instream Ending Point)
R01W S26

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Washington County

	LOT 4	LOT 3
T12N R01E S04	SWNE	(NENW)
	(NWNW)	SWNW
	SENE	NESE
	NWSE	
T13N R01E S28	SESW	SWSE
	SESE	
S21	SWSW	SESW
S28	NWNE	SWNE
	NENW	NWSW
	SWSW	SESW
	NESE	NWSE
	SESE	
S29	SWNE	NENW
	NWNW	SENE
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE

PLACE OF USE (continued)

S30	SENE	NESW
LOT 3	(NWSW)	NESE
	NWSE	SESE
S31	SWNE	SENE
	NESW	LOT 3 (NWSW)
	NESE	NWSE
S32	NWNE	SWNE
	SENE	NENW
	NWNW	NESW
	NWSW	SWSW
	NESE	NWSE
S33	SWNE	SENE
	NWNW	SWNW
	SENW	NWSW
	SWSW	
R01W S25	NESW	NWSW
	NESE	NWSE
S26	NESE	SESE

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

The quantity of water decreed for this water right 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

RECOMMENDATION

NOV 25 2009

Les B. Smith
SPECIAL MASTER

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 67-14963

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
300 N 6 ST
PO BOX 83720
BOISE, ID 83720-0050

A L CATTLE INC
PO BOX 608
EMMETT, ID 83617

SOURCE: MIDDLE CREEK TRIBUTARY: NORTH CRANE CREEK

QUANTITY: 0.02 CFS

This right shall be used in conjunction with Water Right No.
67-14962. Water Right Nos. 67-14962 and 67-14963 are limited to
a total combined diversion rate of 0.02 cfs and a total combined
quantity of 13,000 gallons per day.

PRIORITY DATE: 10/07/1909

POINT OF DIVERSION: T13N R01E S36 SESE (Instream Beginning Point) Within Washington County
SWSW (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Washington County
	T13N R01W S36	SESW
		SWSE
		SESE

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

The quantity of water decreed for this water right is not a
determination of historical beneficial use.
The ownership of Water Right No. 67-14963 is governed by a
private agreement executed by the Idaho Department of Lands and
A L Cattle Inc. on June 25, 2009.

Access to the point of diversion and place of use of Water Right
No. 67-14963 is governed by a private agreement by the Idaho
Department of Lands and A L Cattle Inc. on June 25, 2009.

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.

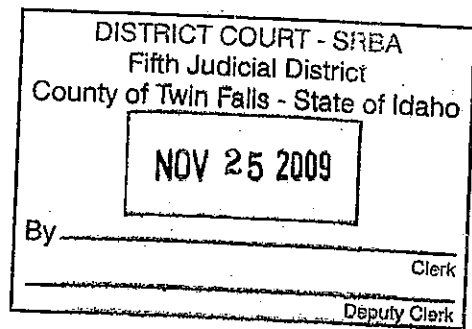
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

NOV 25 2009

Leo R. Smith

SPECIAL MASTER



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): 67-14396

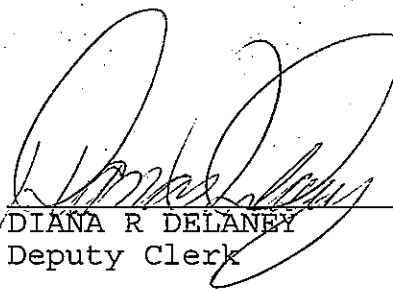
67-14399 67-14960 67-14961
67-14962 67-14963 67-14968

On November 25, 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 November 25, 2009.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
NOV 25 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) : 67-14396
67-14399 67-14960 67-14961
67-14962 67-14963 67-14968

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 25, 2009, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

A L CATTLE INC
Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

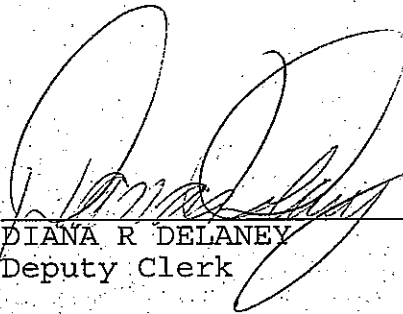
CERTIFICATE OF MAILING

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11/25/09

STATE OF IDAHO
DEPT OF LANDS
300 N 6 ST
PO BOX 83720
BOISE, ID 83720-0050

STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST
PO BOX 83720
BOISE, ID 83720-0050

A L CATTLE INC
PO BOX 608
EMMETT, ID 83617
Phone: 208-365-2320



DIANA R DELANEY
Deputy Clerk