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DEC 17 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 15 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	) Subcases 73-142, 73-143, 73-12079
	) and 73-12105
Case No. 39576	) (Whitworth Ranches, Inc.)
	)
_____	) SPECIAL MASTER REPORT

Findings of Fact

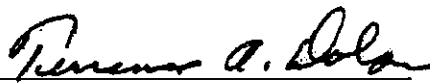
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 73* on January 25, 2007. The Director recommended the claims to Whitworth Ranches, Inc., P.O. Box 167, May, Idaho, 83253, for 1.2 cfs, 2 cfs, 3.2 cfs and .2 cfs from Tater Creek and Morgan Creek to irrigate 412.4 acres from April 1 to October 31 and for stockwater use in Lemhi County from November 1 to March 31 with priority dates of June 1, 1886, June 1, 1897, August 5, 1914, and June 1, 1883, 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 priority date and place of use. On December 9, 2009, the claimant and the United States filed *Standard Forms 5* agreeing to amend the place of use.

Conclusions of Law

Whitworth Ranches, Inc., 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 73-142, 73-143, 73-12079 and 73-12105*.

DATED December 15, 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 73-00142

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

SOURCE: TATER CREEK TRIBUTARY: PATTERSON CREEK

QUANTITY: 1.20 CFS

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION: T15N R22E S18 NESW Within Lemhi County
NWSE
NESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.20 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T15N R21E S13	SWNE 31.0	SENE 36.0
	NESE 40.0	NWSE 40.0
S24	SESE 21.0	
S25	NENE 26.0	
R22E S18 LOT 2	(SNNW)39.0	SENN 25.0
LOT 3	(NNSW)40.0	
S19 LOT 1	(NNSW)39.0	LOT 2 (SNNW)40.0
LOT 3	(NNSW)37.0	
414.0 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 414 acres in a single irrigation season. Combined Right Nos.: 73-142, 73-143, 73-12079. This right is limited to the irrigation of 60 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

RECOMMENDATION

DEC 15 2009

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 73-00143

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

SOURCE: TATER CREEK TRIBUTARY: PATTERSON CREEK

QUANTITY: 2.00 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION: T15N R22E S18 NESW Within Lemhi County
NESE
NWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.00 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T15N R21E S13	SWNE 31.0	SENE 36.0
	NESE 40.0	NWSE 40.0
S24	SESE 21.0	
S25	NENE 26.0	
R22E S18 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	
414.0 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 414 acres in a single irrigation season. Combined Right Nos.: 73-142, 73-143, 73-12079. This right is limited to the irrigation of 100 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
Third Judicial District

RECOMMENDATION

DEC 15 2009

SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 73-00143 File Number: 00205

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 73-12079

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

SOURCE: TATER CREEK TRIBUTARY: PATTERSON CREEK

QUANTITY: 3.20 CFS

PRIORITY DATE: 08/05/1914

POINT OF DIVERSION: T15N R22E S18 NESW Within Lemhi County
NESE
NWSE

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 S13	SWNE 31.0	SENE 36.0
	NESE 40.0	NWSE 40.0
S24	SESE 21.0	
S25	NENE 26.0	
R22E S18 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	
414.0 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 414 acres in a single irrigation season.
Combined Right Nos.: 73-142, 73-143, 73-12079.

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

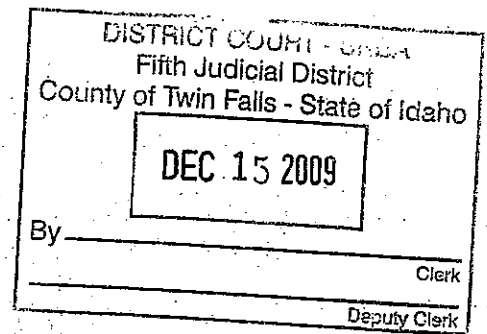
RECOMMENDATION

DEC 15 2009

Thomas P. Olsen
SPECIAL MASTER

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54 (b) FOR
Case No. 39576)
)
) Water Right 73-12105

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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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 73-00142
73-00143 73-12079 73-12105

On December 15, 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 December 15, 2009.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRJA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 15 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): 73-00142
73-00143 73-12079 73-12105

CERTIFICATE OF MAILING

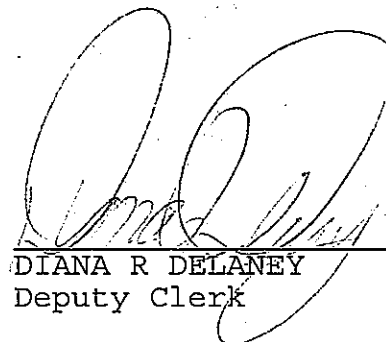
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 15, 2009, with sufficient first-class postage prepaid to the following:

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