

RECEIVED  
JUN 21 2010  
DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |             |
|-------------------------------------------------------------------------------------------|-------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |             |
| JUN 18 2010                                                                               |             |
| 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 73-2B, 73-7A, 73-7B, 73-8B,  
Case No. 39576 ) 73-113 and 73-140  
 ) (Big Creek Ranch LLC)  
 )  
 ) SPECIAL MASTER REPORT

**Findings of Fact**

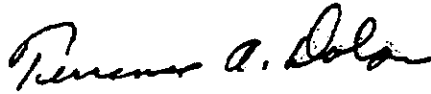
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 73* on January 25, 2007. The Director recommended the claims to Sulphur Creek Livestock for between .6 cfs and 3.2 cfs from Sulphur Creek to irrigate 961.5 acres in Custer County from April 1 to October 31 with priority dates between May 1, 1884, and July 20, 1915, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on December 18, 2007, objecting to place of use. On October 2, 2009, and April 26, 2010, IDWR filed *Notices of Completed Administrative Proceeding* for substitutions of parties finally listing Big Creek Ranch LLC, 280 Cranbrook Road, Hailey, Idaho, 83333, as the claimant. On June 17, 2010, Big Creek Ranch and the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing to 951.1 acres.

**Conclusions of Law**

Big Creek Ranch LLC 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 73-2B, 73-7A, 73-7B, 73-8B, 73-113 and 73-140*.

DATED June 18, 2010.

  
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 73-00002B

NAME AND ADDRESS: BIG CREEK RANCH LLC  
280 CRANBROOK RD.  
HAILEY, ID 83333

SOURCE: SULPHUR CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.60 CFS

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION: T14N R21E S24 SWSW Within Custer County  
SENW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-01 TO 10-31 | 0.60 CFS |

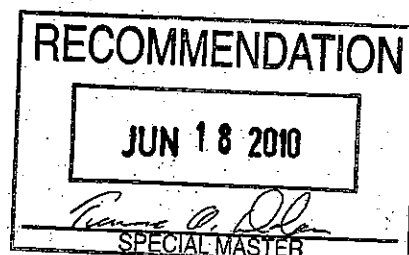
| PLACE OF USE:     | Irrigation  | Within Custer County |
|-------------------|-------------|----------------------|
| T14N R21E S13     | SWSE 40.0   |                      |
| S24               | NENE 18.0   | NWNE 40.0            |
|                   | SWNE 39.0   | SENE 40.0            |
|                   | NENW 38.0   | SENE 34.0            |
|                   | NESW 36.0   | SWSW 4.1             |
|                   | SESW 40.0   | NESE 40.0            |
|                   | NWSE 40.0   | SWSE 40.0            |
|                   | SESE 40.0   |                      |
| S25               | NWNE 40.0   | NENW 40.0            |
|                   | NWNW 22.0   |                      |
| R22E S18 LOT 4    | (SWSW) 10.0 | SESW 38.0            |
|                   | SWSE 40.0   |                      |
| S19               | NWNE 40.0   | SWNE 40.0            |
|                   | NENW 40.0   | (NWNW) 39.0          |
| LOT 2             | (SWNW) 36.0 | SENE 40.0            |
| LOT 3             | (NWSW) 37.0 |                      |
| 951.1 Acres Total |             |                      |

The rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season. Right Nos. 73-2B and 73-113 are limited to the irrigation of a combined total of 160 acres 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).



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 73-00007A

NAME AND ADDRESS: BIG CREEK RANCH LLC  
280 CRANBROOK RD  
HAILEY, ID 83333

SOURCE: SULPHUR CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 07/20/1915

POINT OF DIVERSION: T14N R21E S24 SWSW Within Custer County  
SENW

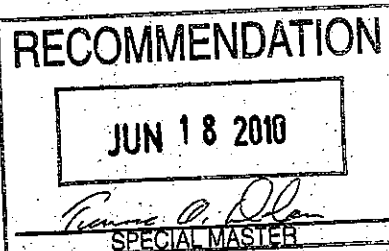
| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-01 TO 10-31 | 1.00 CFS |

| PLACE OF USE:     | Irrigation  | Within Custer County |
|-------------------|-------------|----------------------|
| T14N R21E S13     | SWSE 40.0   |                      |
| S24               | NENE 18.0   | NWNE 40.0            |
|                   | SWNE 39.0   | SENE 40.0            |
|                   | NENW 38.0   | SENE 34.0            |
|                   | NESW 36.0   | SWSW 4.1             |
|                   | SESW 40.0   | NESE 40.0            |
|                   | NWSE 40.0   | SWSE 40.0            |
|                   | SESE 40.0   |                      |
| S25               | NWNE 40.0   | NENW 40.0            |
|                   | NWNW 22.0   |                      |
| R22E S18 LOT 4    | (SWSW) 10.0 | SESW 38.0            |
|                   | SWSE 40.0   |                      |
| S19               | NWNE 40.0   | SWNE 40.0            |
|                   | NENW 40.0   | LOT 1 (NWNW) 39.0    |
| LOT 2             | (SWNW) 36.0 | SENE 40.0            |
| LOT 3             | (NWSW) 37.0 |                      |
| 951.1 Acres Total |             |                      |

The rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000  
Right Nos. 73-7A and 73-7B are limited to the irrigation of a combined total of 80 acres in a single irrigation season. This right is limited to the irrigation of 80 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).



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 73-00007B

NAME AND ADDRESS: BIG CREEK RANCH LLC  
280 CRANBROOK RD  
HAILEY, ID 83333

SOURCE: SULPHUR CREEK. TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 09/16/1912

POINT OF DIVERSION: T14N R21E S24 SENW Within Custer County  
SWSW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-01 TO 10-31 | 1.00 CFS |

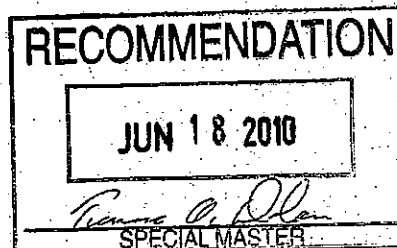
| PLACE OF USE:     | Irrigation  | Within Custer County |
|-------------------|-------------|----------------------|
| T14N R21E S13     | SWSE 40.0   |                      |
| S24               | NENE 18.0   | NWNE 40.0            |
|                   | SWNE 39.0   | SENE 40.0            |
|                   | NENW 38.0   | SENE 34.0            |
|                   | NESW 36.0   | SWSW 4.1             |
|                   | SESW 40.0   | NESE 40.0            |
|                   | NWSE 40.0   | SWSE 40.0            |
|                   | SESE 40.0   |                      |
| S25               | NWNE 40.0   | NENW 40.0            |
|                   | NWNW 22.0   |                      |
| R22E S18 LOT 4    | (SWSW) 10.0 | SESW 38.0            |
|                   | SWSE 40.0   |                      |
| S19               | NWNE 40.0   | SWNE 40.0            |
|                   | NENW 40.0   | LOT 1 (NWNW) 39.0    |
| LOT 2             | (SWNW) 36.0 | SENE 40.0            |
| LOT 3             | (NWSW) 37.0 |                      |
| 951.1 Acres Total |             |                      |

The rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season. Right Nos. 73-7A and 73-7B are limited to the irrigation of a combined total of 80 acres 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).



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 73-00008B

NAME AND ADDRESS: BIG CREEK RANCH LLC  
280 CRANBROOK RD  
HAILEY, ID 83333

SOURCE: SULPHUR CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.20 CFS

PRIORITY DATE: 01/20/1910

POINT OF DIVERSION: T14N R21E S24 SWSW Within Custer County  
SESW

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

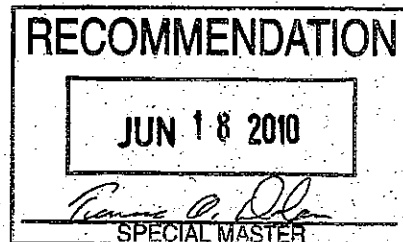
| PLACE OF USE:     | Irrigation  | Within Custer County |
|-------------------|-------------|----------------------|
| T14N R21E S13     | SWSE 40.0   |                      |
| S24               | NENE 18.0   | NWNE 40.0            |
|                   | SWNE 39.0   | SENE 40.0            |
|                   | NENW 38.0   | SESW 34.0            |
|                   | NESW 36.0   | SWSW 4.1             |
|                   | SESW 40.0   | NESE 40.0            |
|                   | NWSE 40.0   | SWSE 40.0            |
|                   | SESE 40.0   |                      |
| S25               | NWNE 40.0   | NENW 40.0            |
|                   | NWNW 22.0   |                      |
| R22E S18 LOT 4    | (SWSW) 10.0 | SESW 38.0            |
|                   | SWSE 40.0   |                      |
| S19               | NWNE 40.0   | SWNE 40.0            |
|                   | NENW 40.0   | LOT 1 (NWNW) 39.0    |
| LOT 2             | (SWNW) 36.0 | SESW 40.0            |
| LOT 3             | (NWSW) 37.0 |                      |
| 951.1 Acres Total |             |                      |

The rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000

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).



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 73-00113

NAME AND ADDRESS: BIG CREEK RANCH LLC  
280 CRANBROOK RD  
HAILEY, ID 83333

SOURCE: SULPHUR CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 2.80 CFS

PRIORITY DATE: 05/11/1911

POINT OF DIVERSION: T14N R21E S24 SENW Within Custer County  
SWSW

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation 04-01 TO 10-31 2.80 CFS

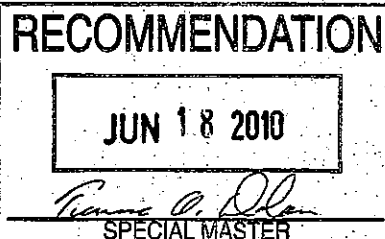
PLACE OF USE: Irrigation Within Custer County

|                   |             |                   |
|-------------------|-------------|-------------------|
| T14N R21E S13     | SWSE 40.0   |                   |
| S24               | NENE 18.0   | NWNE 40.0         |
|                   | SWNE 39.0   | SENE 40.0         |
|                   | NENW 38.0   | SENW 34.0         |
|                   | NESW 36.0   | SWSW 4.1          |
|                   | SESW 40.0   | NESE 40.0         |
|                   | NWSE 40.0   | SWSE 40.0         |
|                   | SESE 40.0   |                   |
| S25               | NWNE 40.0   | NENW 40.0         |
|                   | NWNW 22.0   |                   |
| R22E S18 LOT 4    | (SWSW) 10.0 | SESW 38.0         |
|                   | SWSE 40.0   |                   |
| S19               | NWNE 40.0   | SWNE 40.0         |
|                   | NENW 40.0   | LOT 1 (NWNW) 39.0 |
| LOT 2             | (SWNW) 36.0 | SENW 40.0         |
| LOT 3             | (NWSW) 37.0 |                   |
| 951.1 Acres Total |             |                   |

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season. Right Nos. 73-2B and 73-113 are limited to the irrigation of a combined total of 160 acres in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000

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).



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 73-00140

NAME AND ADDRESS: BIG CREEK RANCH LLC  
280 CRANBROOK RD  
HAILEY, ID 83333

SOURCE: SULPHUR CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 3.20 CFS

PRIORITY DATE: 12/15/1894

POINT OF DIVERSION: T14N R21E S24 SENW Within Custer County  
SWSW

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

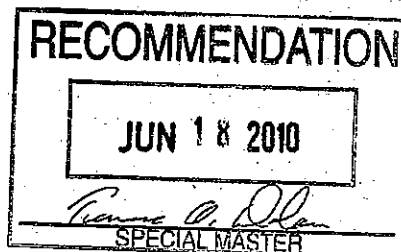
| PLACE OF USE:     | Irrigation  | Within Custer County |
|-------------------|-------------|----------------------|
| T14N R21E S13     | SWSE 40.0   |                      |
| S24               | NENE 18.0   | NWNE 40.0            |
|                   | SWNE 39.0   | SENE 40.0            |
|                   | NENW 38.0   | SENE 34.0            |
|                   | NESW 36.0   | SWSW 4.1             |
|                   | SESW 40.0   | NESE 40.0            |
|                   | NWSE 40.0   | SWSE 40.0            |
|                   | SESE 40.0   |                      |
| S25               | NWNE 40.0   | NENW 40.0            |
|                   | NWNW 22.0   |                      |
| R22E S18 LOT 4    | (SWSW) 10.0 | SESW 38.0            |
|                   | SWSE 40.0   |                      |
| S19               | NWNE 40.0   | SWNE 40.0            |
|                   | NENW 40.0   | LOT 1 (NWNW) 39.0    |
| LOT 2             | (SNNW) 36.0 | SENE 40.0            |
| LOT 3             | (NWSW) 37.0 |                      |
| 951.1 Acres Total |             |                      |

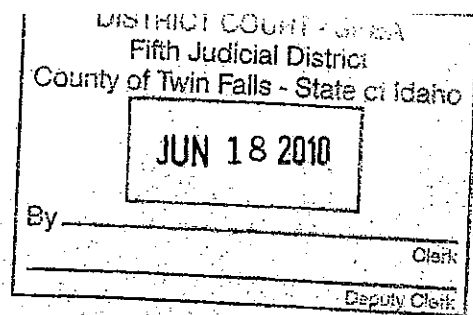
The rights listed below are limited to the irrigation of a combined total of 951.1 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000

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).





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

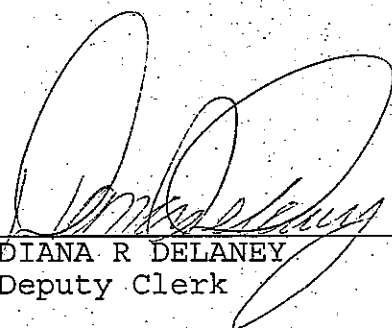
Water Right(s): 73-00002B  
73-00007A 73-00007B 73-00008B  
73-00113 73-00140

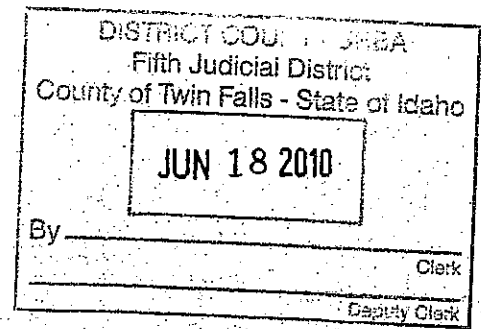
On June 18, 2010, Special Master ERIC J WILDMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 June 18, 2010.

  
\_\_\_\_\_  
DIANA R DELANEY  
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): 73-00002B  
73-00007A 73-00007B 73-00008B  
73-00113 73-00140

CERTIFICATE OF MAILING

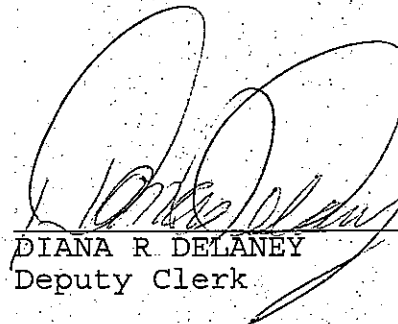
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 18, 2010, with sufficient first-class postage prepaid to the following:

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

BIG CREEK RANCH LLC  
280 CRANBROOK RD  
HAILEY, ID 83333

CERTIFICATE OF MAILING



DIANA R. DELANEY  
Deputy Clerk

PAGE 1  
06/18/10