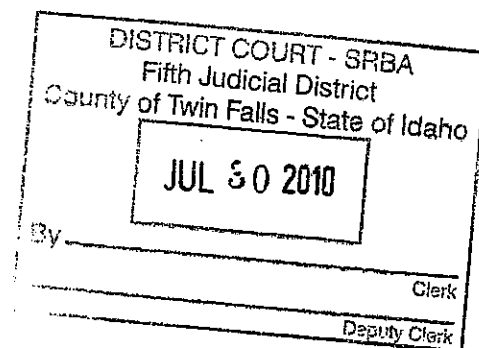


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**DEPARTMENT OF
WATER RESOURCES**



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcases 73-187B, 73-2073 and 73-11953
	)	(Triple T Summit Ranch)
Case No. 39576	)	
	)	ORDER DISMISSING OBJECTIONS
	)	and 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 claims 73-187B, 73-2073 and 73-11953 to Triple T Summit Ranch, c/o Edwin and Linda Thomas, P.O. Box 1842, Sun Valley, Idaho, 83353, for 2 cfs, 9.6 cfs and 3.35 cfs (1,208 afy) from Big Gulch Creek to irrigate 209.7 acres from May 1 to October 31, for diversion to storage and irrigation storage from November 1 to April 30 and for irrigation from storage to irrigate 409.9 acres from May 1 to October 31 in Custer County with priority dates of June 18, 1909, July 19, 1911, and January 28, 1921, based on a decree, license or beneficial use.

The claimant filed *Objections* in the three subcases on November 8, 2007, objecting to quantity and period of year. Old Corrals and Sagebrush LLLP filed *Objections* in subcases 73-187B and 73-11953 on December 17, 2007, objecting to source, quantity, period of year and place of use. The United States of America Department of Interior, Bureau of Land Management filed *Objections* in all three subcases on December 18, 2007, objecting to place of use.

On January 28, 2009, IDWR filed a *Notice of Completed Administrative Proceeding* in the three subcases for a substitution of party with the new owners EAC Rev No. 13 LLC. IDWR

filed a second *NCAP* on June 3, 2010, for substitution of party again naming Triple T Summit Ranch as the owner. On July 12, 2010, the claimant and the BLM, with IDWR's concurrence, filed *Standard Forms 5* amending quantity and place of use and adding explanatory material.

On March 29, 2010, the Special Master entered an *Order Granting Leave to Withdraw* in multiple subcases, including subcases 73-187B and 73-11953, allowing Angelo L. Rosa (Capitol Law Group, PLLC) to withdraw as attorney of record for Scythe & Spade/Old Corrals and Sagebrush, LLLP. The *Order* required objector Old Corrals to file written notice with the SRBA Court within twenty days stating how it will be represented, but it failed to do so. Such failure is deemed to be a motion to dismiss its *Objections*.

Order

THEREFORE, IT IS ORDERED that *Objections* filed by Old Corrals and Sagebrush, LLLP, in subcases 73-187B and 73-11953 are dismissed.

Conclusions of Law

Triple T Summit Ranch is entitled to water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-187B, 73-2073 and 73-11953*.

DATED July 29, 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 73-00187B

NAME AND ADDRESS: TRIPLE T SUMMIT RANCH
C/O EDWIN C & LINDA M THOMAS
PO BOX 1842
SUN VALLEY, ID 83353

SOURCE: BIG GULCH CREEK TRIBUTARY: GOLDBURG CREEK

QUANTITY: 2.00 CFS

Two (2) cfs may be diverted under water right 73-187B when the combined total flow available from Hillside Creek and Big Gulch Creek is greater than or equal to 4.5 cfs, if the right is in priority and deliverable.
When the combined total flow available from Hillside Creek and Big Gulch Creek is less than 4.5 cfs, 44% of the total flow available from Hillside Creek and Big Gulch Creek may be diverted from Big Gulch Creek under water right 73-187B, if the right is in priority and deliverable.

PRIORITY DATE: 06/18/1909

POINT OF DIVERSION: T12N R24E S25 SWNE Within Custer County

The point of diversion from Big Gulch Creek is more specifically located in T12N, R24 1/2 E, S25, SWNE.

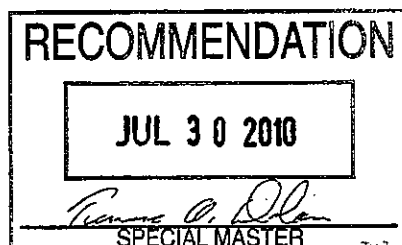
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	2.00 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T11N R24E S01 LOT 1 (NENE)22.0	
	R25E S05 NESW 1.0	NWSW 14.0
	SWSW 0.1	SESW 0.5
	S06 SWNE 30.0	SENE 7.5
	NENW 5.7	LOT 3 (NENW)11.0
	LOT 4 (NWNW)23.0	LOT 5 (SWNW)10.0
	SENE 26.0	NESW 3.5
	NESE 9.4	NWSE 22.0
	T12N R25E S31 LOT 4 (SWSW)24.0	
	209.7 Acres Total	

Right Nos. 73-187B and 73-2073 are limited to the irrigation of a combined total of 209.7 acres in a single irrigation season.
Place of use does not include federal public lands.

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.

Eric J. Wildman
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 73-02073

NAME AND ADDRESS: TRIPLE T SUMMIT RANCH
C/O EDWIN C & LINDA M THOMAS
PO BOX 1842
SUN VALLEY, ID 83353

SOURCE: BIG GULCH CREEK TRIBUTARY: GOLDBURG CREEK

QUANTITY: 9.60 CFS

PRIORITY DATE: 07/19/1911

POINT OF DIVERSION: T12N R24E S25 SWNE Within Custer County

The point of diversion from Big Gulch Creek is more specifically located in T12N, R24 1/2 E, S25, SWNE.

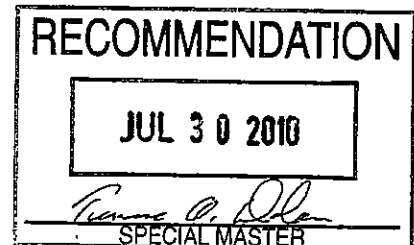
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	9.60 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T11N R24E S01 LOT 1 (NENE) 22.0	
	R25E S05 NESW 1.0	NWSW 14.0
		SWSW 0.1
		SESW 0.5
	S06 SWNE 30.0	SENE 7.5
		NENW 5.7
		LOT 3 (NENW) 11.0
	LOT 4 (NWNW) 23.0	LOT 5 (SNNW) 10.0
		SENE 26.0
		NESW 3.5
		NESE 9.4
		NWSE 22.0
	T12N R25E S31 LOT 4 (SWSW) 24.0	
	209.7 Acres Total	

Right Nos. 73-187B and 73-2073 are limited to the irrigation of a combined total of 209.7 acres in a single irrigation season. Place of use does not include federal public lands.

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).



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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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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 73-11953

NAME AND ADDRESS: TRIPLE T SUMMIT RANCH
C/O EDWIN C & LINDA M THOMAS
PO BOX 1842
SUN VALLEY, ID 83353

SOURCE: BIG GULCH CREEK TRIBUTARY: GOLDBURG CREEK

QUANTITY: 3.35 CFS
600.00 AFY

PRIORITY DATE: 01/28/1921

POINT OF DIVERSION: T12N R24E S25 SWNE Within Custer County

The point of diversion from Big Gulch Creek is more specifically
located in T12N, R24 1/2 E, S25, SWNE.

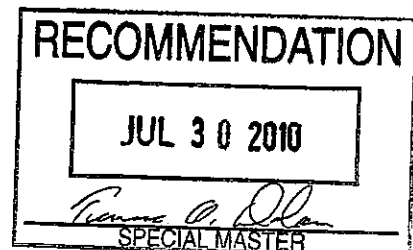
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	11-01 TO 04-30	600.00 AFY
	Irrigation from Storage	05-01 TO 10-31	600.00 AFY
	Diversion to Storage	11-01 TO 04-30	3.35 CFS

PLACE OF USE:	Irrigation from Storage	Within Custer County	
	T11N R25E S08	NWNE 15.0 SENE 18.0 SWNW 8.6 NESW 38.0 SESW 9.0 NWSE 40.0 SESE 40.0	SWNE 38.0 NENW 15.0 SENE 36.4 NWSW 4.1 NESE 36.4 SWSE 29.0
	S09	NWSW 17.0 SESW 10.6	SWSW 39.8
	S17	NENE 15.0	
	409.9 Acres Total		

The rights listed below are limited to the irrigation of a
combined total of 409.9 acres in a single irrigation season.
Combined Right Nos.: 33-112, 33-113 and 73-11953.
Place of use does not include federal public lands.

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
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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