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AUG 10 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG - 9 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	)	Subcase 73-187A
	)	(Big Creek Ranch LLC)
Case No. 39576	)	
_____	)	ORDER DISMISSING OBJECTION 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 the claim to Sulphur Creek Livestock for 2.5 cfs from Big Gulch Creek, Graves Spring and Hillside Creek to irrigate 670 acres in Custer County from April 1 to October 31 with a priority date of June 18, 1909, based on a decree.

Triple T Summit Ranch filed an *Objection* on November 8, 2007, objecting to quantity and period of year. Old Corrals and Sagebrush LLLP filed an *Objection* on December 17, 2007, objecting to source, quantity, period of year and place of use.

On March 29, 2010, the Special Master entered an *Order Granting Leave to Withdraw* in multiple subcases, including subcase 73-187A, 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 *Objection*.

On April 26, 2010, IDWR filed a *Notice of Completed Administrative Proceeding* for a substitution of party with the new owner Big Creek Ranch LLLC, 280 Cranbrook Road, Hailey,

Idaho, 83333. On August 4, 2010, Big Creek Ranch LLC and Triple T Summit Ranch, with IDWR's concurrence, filed a *Standard Form 5*.

Order

THEREFORE, IT IS ORDERED that the *Objection* filed by Old Corrals and Sagebrush, LLLP, in subcase 73-187A is **dismissed**.

Conclusions of Law

Big Creek Ranch LLLC is entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 73-187A*.

DATED August 9, 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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 73-00187A

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

SOURCE: BIG GULCH CREEK TRIBUTARY: GOLDBURG CREEK
HILLSIDE CREEK TRIBUTARY: GOLDBURG CREEK

QUANTITY: 2.50 CFS

Two and one-half (2.5) cfs may be diverted from Hillside Creek and big Gulch Creek under water right 73-187A when 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, 56% of the total flow available from Hillside Creek and Big Gulch Creek may be diverted under water right 73-187A, 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, the quantity of water available at the Hillside Creek diversion in the SESE, S13, T12N, R24E shall be deducted from the 56% of the total flow delivered from Hillside Creek and Big Gulch Creek under water right 73-187A.

PRIORITY DATE: 06/18/1909

POINT OF DIVERSION: T12N R24E S13 SESE Within Custer County
S25 SWNE

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 2.50 CFS

PLACE OF USE: Irrigation Within Custer County
T12N R24E S16 SWNW 12.0 NESW 7.6
NWSW 8.4 SESW 15.0
SWSE 8.6
S21 NESE 13.0
S22 NENE 18.0 NWNE 8.0
SWNE 40.0 SENE 40.0
NENW 9.0 NWNW 17.0
SWNW 40.0 SENW 33.0
NESW 39.0 NWSW 40.0
NESE 40.0 NWSE 40.0
SWSE 36.0 SESE 40.0
S23 SWNE 2.2 NENW 11.0
NWNW 35.0 SWNW 40.0
SENW 35.0 NESW 30.0
NWSW 40.0 SWSW 32.0
SESW 1.0 NWSE 1.2
732.0 Acres Total

This right is limited to the irrigation of 125 acres within the

PLACE OF USE (continued)

place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 732 acres in a single irrigation season.
Combined Right Nos.: 73-165, 73-168, 73-178, 73-179, 73-187A,
73-188A, 73-2038, 73-2091 and 73-10047.

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

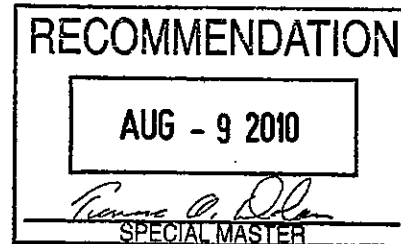
Use of Grave Springs as a source under this water right has
been forfeited/abandoned.

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



DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG - 9 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)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

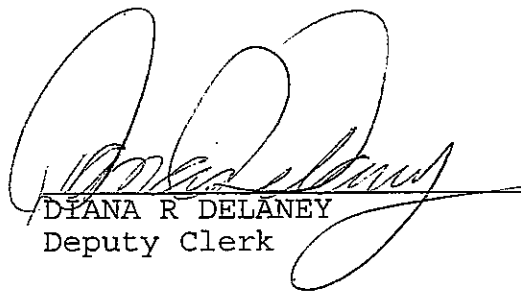
Water Right(s): 73-00187A

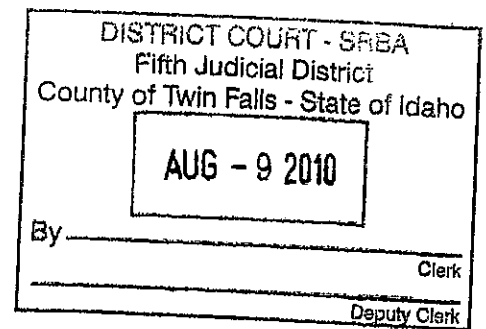
On August 09, 2010, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 August 09, 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) : 73-00187A

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 August 09, 2010, with sufficient first-class postage prepaid to the following:

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

TRIPLE T SUMMIT RANCH
Represented by:
HAEMMERLE, FRITZ X.
PO BOX 1800
HAILEY, ID 83333
Phone: 208-578-0520

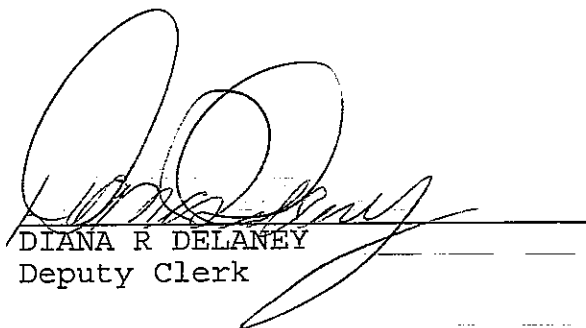
BIG CREEK RANCH LLC
280 CRANBROOK RD
HAILEY, ID 83333

OLD CORRALS AND SAGEBRUSH LLLP
435 S FITNESS PLACE
EAGLE, ID 83616
Phone: 208-893-5333

CERTIFICATE OF MAILING

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08/09/10

OLD CORRALS & SAGEBRUSH LLLP
453 S FITNESS PL
EAGLE, ID 83616
Phone: 208-893-5333



DIANA R DELANEY
Deputy Clerk