

RECEIVED

SEP 20 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 16 2010	
By _____	Clark _____
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 45-10359 (split into 45-14214,
	)	45-14215, 45-14291, 45-14299 and 45-14300)
	)	(Shoulder 3 Ranches, Inc., and Matthews)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT AND
	)	RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 2, 2004. The Director recommended claim 45-10359 to Shoulder 3 Ranches, Inc., P.O. Box 218, Oakley, Idaho, 83346, as well as Luther Gardner, Bill J. Matthews, Eugene Layton and Keith Warr, for .02 cfs from Little Cottonwood Spring for stockwater use in Cassia County from May 1 to November 30 with a priority date of May 2, 1970, based on beneficial use.

The United States of America, Department of Agriculture, Forest Service filed an *Objection* on October 18, 2004, objecting to quantity and priority date. IDWR filed a *Notice of Completed Administrative Proceeding* on February 7, 2007, for a substitution of party listing current claimants as Shoulder 3 Ranches and E. Eugene Matthews, 1249 S. Highway 27, Oakley, Idaho, 83346. The claimants and the USDA/FS, with IDWR's concurrence, filed a *Standard Form 5* on September 9, 2010, splitting claim 45-10359 into five water rights.

Conclusions of Law

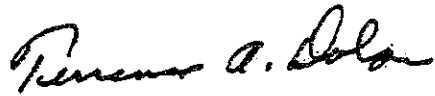
1. Shoulder 3 Ranches and E. Eugene Matthews are entitled to partial decrees as described in the *SF-5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-14214, 45-14215, 45-14291, 45-14299 and 45-14300*; and

2. The claimants are **not** entitled to a water right for claim 45-10359 because of the split.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 45-10359 be **disallowed**.

DATED September 17, 2010.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath it.

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 45-14214

NAME AND ADDRESS: SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY, ID 83346

E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY, ID 83346

SOURCE: BOSTETTER SPRING TRIBUTARY: SINKS
CABIN SPRING NUMBER TWO TRIBUTARY: SINKS
HUDSON RIDGE SPRING TRIBUTARY: SINKS
WORM CORRAL SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

This right shall be used in conjunction with 45-12224, 45-12245,
45-12269, 45-12832, 45-12850, 45-12872, 45-14215, 45-14291,
45-14299 and 45-14300 and is limited to a total combined
diversion rate of 0.02 cfs and a total combined quantity of
13,000 gallons per day.

PRIORITY DATE: 04/30/1875

POINT OF DIVERSION: T14S R20E S19 NWSESW Within Cassia County
S28 NWNWNW
S29 SWNESW
S31 NWNWSE

PURPOSE AND

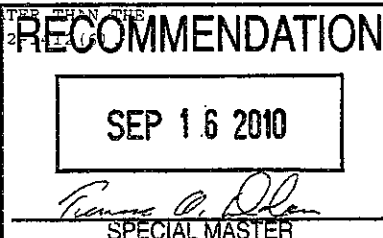
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 10-31	0.02 CFS

PLACE OF USE: Stockwater Within Cassia County
T14S R20E S19 SESW
S28 NWNW
S29 NESW
S31 NWSE

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 operation, use, and administration of this water right is
also subject to the terms and conditions of the stipulation and
joint motion for order approving stipulation entered into on
August 29, 2002, between the United States of America and
Shoulder Three Ranches Inc., Keith Warr, Eugene Layton, Luther
Gardner and Bill J. Matthews filed in the office of the Cassia
County Recorder and recorded on June 6, 2003 as Instrument No:
289179.

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 42-2111(1)



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 45-14215

NAME AND ADDRESS: SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY, ID 83346

E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY, ID 83346

SOURCE: COUNTING CHUTE SPRING TRIBUTARY: SINKS
UNNAMED SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

This right shall be used in conjunction with 45-12224, 45-12245,
45-12269, 45-12832, 45-12850, 45-12872, 45-14214, 45-14291,
45-14299 and 45-14300 and is limited to a total combined
diversion rate of 0.02 cfs and a total combined quantity of
13,000 gallons per day.

PRIORITY DATE: 12/10/1892

POINT OF DIVERSION: T14S R20E S29 NESWNW Within Cassia County
S32 NENWNW

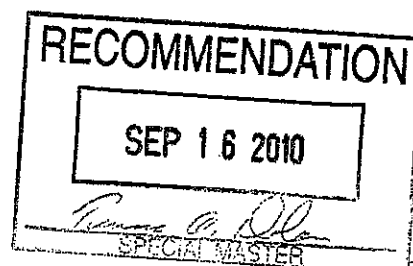
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 10-31	0.02 CFS

PLACE OF USE: Stockwater Within Cassia County
T14S R20E S29 SWNW
S32 NWNW

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 operation, use, and administration of this water right is
also subject to the terms and conditions of the stipulation and
joint motion for order approving stipulation entered into on
August 29, 2002 between the United States of America and
Shoulder Three Ranches Inc., Keith Warr, Eugene Layton, Luther
Gardner and Bill J. Matthews filed in the office of the Cassia
County Recorder and recorded on June 6, 2003 as Instrument No:
289179.

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.

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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 45-14291

NAME AND ADDRESS: SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY, ID 83346

E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY, ID 83346

SOURCE: UNNAMED SPRING TRIBUTARY: SINKS
UPPER SQUAW CREEK SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

This right shall be used in conjunction with 45-14214, 45-12132,
45-12867, and 45-14215 and is limited to a total combined
diversion rate of 0.02 cfs and a total combined quantity of
13,000 gallons per day.

PRIORITY DATE: 04/30/1879

POINT OF DIVERSION: T14S R20E S21 NENWSE Within Cassia County
S28 SESENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 10-31	0.02 CFS

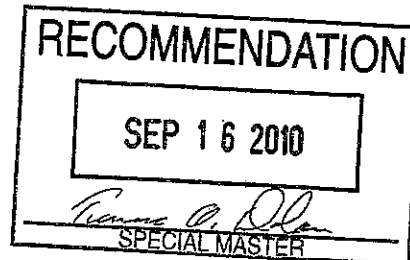
PLACE OF USE: Stockwater Within Cassia County
T14S R20E S21 NWSE
S28 SENW

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

The operation, use, and administration of this water right is also subject to the terms and conditions of the stipulation and joint motion for order approving stipulation entered into on August 29, 2002 between the United States of America and Shoulder Three Ranches Inc., Keith Warr, Eugene Layton, Luther Gardner and Bill J. Matthews filed in the office of the Cassia County Recorder and recorded on June 6, 2003 as Instrument No: 289179.

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).



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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 45-14299

NAME AND ADDRESS: SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY, ID 83336

E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY, ID 83346

SOURCE: BIG COTTONWOOD CREEK TRIBUTARY: DRY CREEK
ECKLUND CREEK TRIBUTARY: BIG COTTONWOOD CREEK

QUANTITY: 0.02 CFS

This right shall be used in conjunction with 45-12224, 45-12245,
45-12269, 45-12832, 45-12850, 45-12872, 45-14215, 45-14291,
45-14214 and 45-14300 and is limited to a total combined
diversion rate of 0.02 cfs and a total combined quantity of
13,000 gallons per day.

PRIORITY DATE: 04/30/1875

POINT OF DIVERSION: T14S R20E S16 NWSNW (Instream Ending Point) Within Cassia County
S19 SESENE (Instream Ending Point)
S31 SWSNW (Instream Beginning Point)
SENWNW (Instream Beginning Point)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Stockwater 05-01 TO 10-31 0.02 CFS

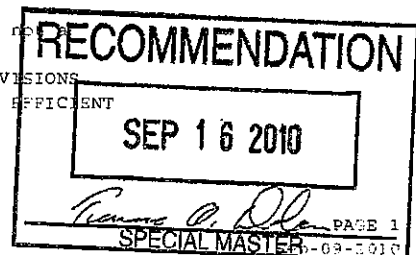
PLACE OF USE: Stockwater Within Cassia County
T14S R20E S16 NWSW
S17 SESW NESE
SWSE SESE
S19 SWNE SENE
LOT 2 (SNNW) SENW
NESE SESE
S20 NWNW SNNW
S29 NWNW SNNW
NWSW
S30 NENE NESE
SWSE SESE
S31 NENW LOT 1 (NWNW)

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

The operation, use, and administration of this water right is
also subject to the terms and conditions of the stipulation and
joint motion for order approving stipulation entered into on
August 29, 2002 between the United States of America and
Shoulder Three Ranches Inc., Keith Warr, Eugene Layton, Luther
Gardner and Bill J. Matthews filed in the office of the Cassia
County Recorder and recorded on June 6, 2003 as Instrument No:
289179.

The quantity of water decreed for this water right is not
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



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

OTHER PROVISIONS (continued)

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

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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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-14300

NAME AND ADDRESS: SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY, ID 83346

E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY, ID 83346

SOURCE: CABIN SPRING CREEK TRIBUTARY: EKLUND CREEK
WHITE STUMP CREEK TRIBUTARY: BIG COTTONWOOD CREEK
WORM CORRAL CREEK TRIBUTARY: BIG COTTONWOOD CREEK

QUANTITY: 0.02 CFS

This right shall be used in conjunction with 45-12224, 45-12245,
45-12269, 45-12832, 45-12850, 45-12872, 45-14214, 45-14291,
45-14299 and 45-14215 and is limited to a total combined
diversion rate of 0.02 cfs and a total combined quantity of
13,000 gallons per day.

PRIORITY DATE: 12/10/1892

POINT OF DIVERSION: T14S R19E S17 NESWSE (Instream Ending Point) Within Cassia County
S24 SESESE (Instream Beginning Point)
R20E S19 NESWNE (Instream Ending Point)
S21 SWSWSW (Instream Beginning Point)
S30 NWNWSW (Instream Beginning Point)
SWSWSE (Instream Ending Point)

PURPOSE AND

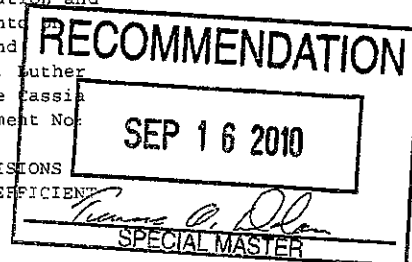
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 10-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Cassia County
T14S R19E S24	SESE	
R20E S17	SWSE	SESE
S19	SWNE	LOT 4 (SWSW)
	SESW	NWSE
S20	NENE	NWNE
	SENE	NESE
S21	NWSW	SWSW
S30	NESW	LOT 3 (NWSW)
	NWSE	SWSE

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

The quantity of water decreed for this water right is not a
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The operation, use, and administration of this water right is
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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT



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

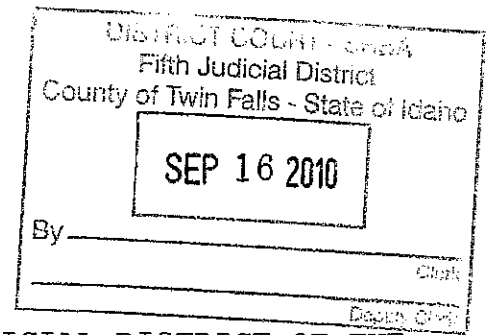
OTHER PROVISIONS (continued)

ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
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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



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

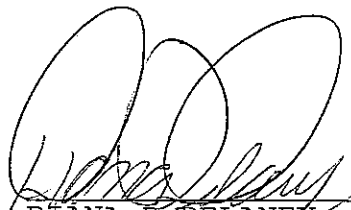
Water Right(s): 45-10359
45-14214 45-14215 45-14291
45-14299 45-14300

On September 17, 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.

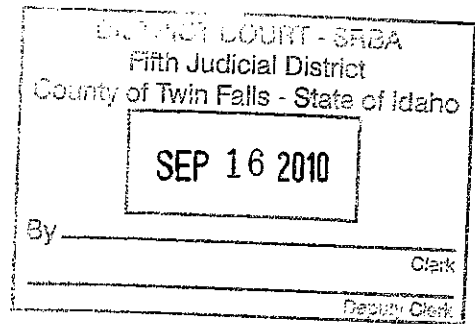
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 September 17, 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): 45-10359
45-14214 45-14215 45-14291
45-14299 45-14300

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 September 17, 2010, with sufficient first-class postage prepaid to the following:

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

SHOULDER 3 RANCHES INC
Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

USDA FOREST SERVICE
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

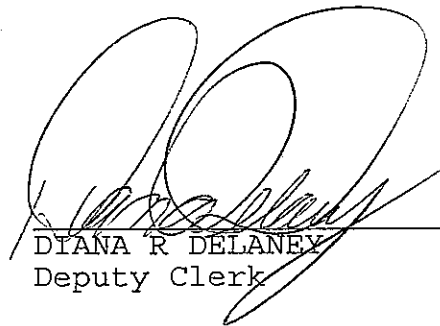
CERTIFICATE OF MAILING

PAGE 1
09/17/10

SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY, ID 08336

SHOULDER 3 RANCHES INC
PO BOX 218
OAKLEY, ID 83346

E EUGENE MATTHEWS
EUGENE MATTHEWS
1249 S HWY 27
OAKLEY, ID 83346



DIANA R DELANEY
Deputy Clerk