

RECEIVED
SEP 22 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 21 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 45-10354 (split into 45-14204,
	)	45-14205 and 45-14298)
	)	(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 45-10354 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 multiple creeks, springs and a hollow for stockwater use in Cassia County from May 1 to November 30 with a priority date of October 12, 1979, 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 45-10354 into three water rights.

Conclusions of Law

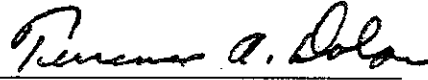
1. Shoulder 3 Ranches and E. Eugene Matthews are entitled to partial decrees as described in the *SF-5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-14204, 45-14205 and 45-14298*; and

2. The claimants are **not** entitled to a water right for claim 45-10354 because of the split.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 45-10354 be **disallowed**.

DATED September 20, 2010.

A handwritten signature in cursive script, reading "Terrence A. Dolan".

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 45-14204

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

E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY, ID 83346

SOURCE: BUCKBRUSH SPRING TRIBUTARY: SINKS
CHOCHECHERRY SPRING TRIBUTARY: SINKS
DUMMER SPRING TRIBUTARY: SINKS
LAYTON SPRING TRIBUTARY: SINKS
LITTLE SQUAW CREEK SPRING TRIBUTARY: SINKS
LONE PINE SPRING TRIBUTARY: SINKS
MABEY SPRING TRIBUTARY: SINKS
MABEY SPRING NO 2 TRIBUTARY: SINKS
RODEO SPRING TRIBUTARY: SINKS
UNNAMED SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

This right shall be used in conjunction with 45-12123, 45-12127B,
45-12127C, 45-12143, 45-12144, 45-12145, 45-12147, 45-12156,
45-12157, 45-12164, 45-12166, 45-12170, 45-12834, 45-12845,
45-12846, 45-14205 & 45-14298 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 R20S S27 NENENW Within Cassia County
S32 SWSENE
S33 NWNENE
SWSWNW
NENWSW
NWNWSW
SWSWSW
NWNENE
SESWSE
S34 NENENE
NENENE
SESWNE
S35 NESENW
T15S R20E S05 NWSENE
NWNWSE
S15 NESWNW
SWSESW
S22 SENENE
NWSSEW
SWSESW
S27 NENENE
R20S S02 LOT 3 (NWNENW)
S04 LOT 4 (NWNWNW)

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 S27	NENW	
	S32	SENE	
	S33	NENE	SWNW
		NWSW	SWSW
		NESE	SWSE
	S34	NENE	SWNE
	S35	SENE	
	T15S R20E S02 LOT 3	(NENW)	
	S04 LOT 4	(NWNW)	
	S05	SENE	NWSE
	S15	SWNW	SESW
	S22	NENE	SESW
	S27	NENE	

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

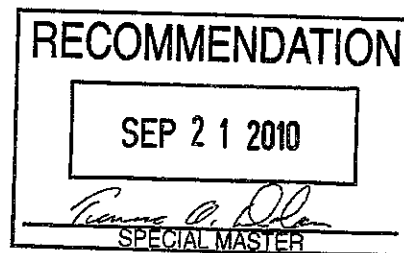
The quantity of water decreed for this water right is not a determination of historical beneficial use. The operation, use, and administration of this water right is also subject to the terms and conditions of the stipulation and joint motion for order approving stipulation entered into on August 29, 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.

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-14205

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

E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY, ID 83346

SOURCE: IBEX SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

This right shall be used in conjunction with 45-14204 and
45-14298 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: T15S R20E S22 SENESE Within Cassia County

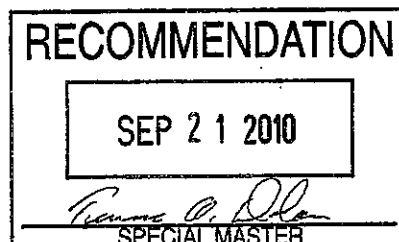
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 11-30	0.02 CFS

PLACE OF USE: Stockwater Within Cassia County
T15S R20E S22 NESE

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).



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Eric J. Wildman
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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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-14298

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

E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY, ID 83346

SOURCE: BUCK CORRAL CREEK TRIBUTARY: TRAPPER CREEK
FALL CREEK TRIBUTARY: TRAPPER CREEK
LITTLE SQUAW CREEK TRIBUTARY: TRAPPER CREEK
RODEO CREEK TRIBUTARY: TRAPPER CREEK
SQUAW CREEK TRIBUTARY: TRAPPER CREEK
TRAIL CREEK TRIBUTARY: TRAPPER CREEK
TRAPPER CREEK TRIBUTARY: GOOSE CREEK
VIOLETS HOLLOW TRIBUTARY: TRAPPER CREEK

QUANTITY: 0.02 CFS

This right shall be used in conjunction with 45-12123, 45-12127B,
45-12127C, 45-12143, 45-12144, 45-12145, 45-12147, 45-12156,
45-12157, 45-12164, 45-12166, 45-12170, 45-12834, 45-12845,
45-12846, 45-14204 & 45-14205 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 S28 SENENE (Instream Beginning Point) Within Cassia County
S33 SENWSW (Instream Beginning Point)
SESWSE (Instream Beginning Point)
T15S R20E S02 LOT 4 (NWNWNW) (Instream Ending Point)
NESESW (Instream Beginning Point)
S03 SWNWNW (Instream Beginning Point)
LOT 8 (SESWSW) (Instream Ending Point)
S05 SESWNE (Instream Beginning Point)
NENESE (Instream Ending Point)
S08 NESENE (Instream Beginning Point)
S09 SENENW (Instream Ending Point)
SENESE (Instream Ending Point)
S10 NENESW (Instream Ending Point)
S11 LOT 2 (NENWNE) (Instream Ending Point)
LOT 6 (NESENW) (Instream Ending Point)
S15 LOT 4 (NWSENE) (Instream Ending Point)
S16 SWSESW (Instream Beginning Point)
S22 NWSESW (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 S27 NENW NWNW
SESW NESW
NWSW SWSE
S28 NENE
S33 NWSW SWSW
SWSE

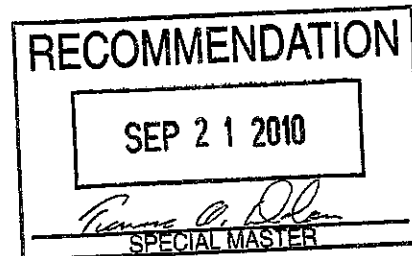
PLACE OF USE (continued)

S34	NENE	NWNE
	SENE	NESE
LOT 1	(NESE)	SESE
T15S R20E S02 LOT 4	(NWNW)	SWNW
	NWSW	LOT 7 (NWSW)
LOT 8	(SWSW)	SESW
LOT 9	(SESW)	LOT 10 (SWSE)
S03 LOT 1	(NENE)	NWNE
	SWNE	SENE
	NWSW	LOT 8 (SWSW)
S04 LOT 1	(NENE)	LOT 2 (NWNE)
	SENE	LOT 4 (NWNW)
	SWNW	NWSW
	SWSW	SESW
	NESE	
S05	SWNE	SENE
	NESE	
S08	SENE	
S09	SWNE	NENW
	NWNW	SWNW
	SENE	SESW
	NESE	LOT 1 (NESE)
	NWSE	SWSE
	SESE	
S10	NESW	LOT 6 (NESW)
	NWSW	
S11 LOT 2	(NWNE)	LOT 3 (NENW)
S15 LOT 3	(SWNE)	LOT 4 (SENE)
	SESW	NWSE
	SWSE	
S16	NENW	SENE
	NESW	SESW
S22	NENW	SWNW
	SENE	NESW
	NWSW	SESW

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.

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DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 21 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

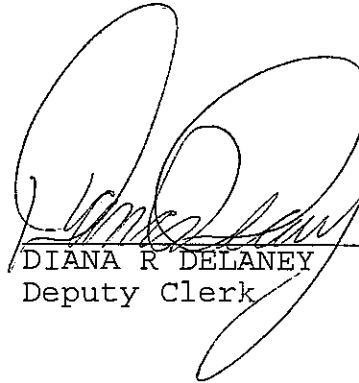
Water Right(s): 45-10354
45-14204 45-14205 45-14298

On September 21, 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 21, 2010.



DIANA R. DELANEY
Deputy Clerk

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 21 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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 45-10354
45-14204 45-14205 45-14298

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 21, 2010, with sufficient first-class postage prepaid to the following:

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

Eugene Matthews
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
09/21/10

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

DIANA R DELANEY
Deputy Clerk