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DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |       |
|-------------------------------------------------------------------------------------------|-------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>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 45-10357 (split into 45-14210    |
|                | ) | and 45-14211)                            |
|                | ) | (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 45-10357 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 various springs and a creek for stockwater use in Cassia County from May 1 to November 30 with a priority date of November 15, 1963, 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 45-10357 into two water rights.

**Conclusions of Law**

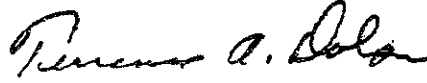
1. Shoulder 3 Ranches and E. Eugene Matthews are entitled to partial decrees as described in the SF-5 and the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-14210 and 45-14211*; and

2. The claimants are **not** entitled to a water right for claim 45-10357 because of the split.

**Recommendation**

THEREFORE, IT IS RECOMMENDED that claim 45-10357 be **disallowed**.

DATED September 21, 2010.



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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 45-14210

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

E EUGENE MATTHEWS  
1249 S HWY 27  
OAKLEY, ID 83346

SOURCE: BIG PIPE SPRING TRIBUTARY: SINKS  
CEDAR BIRCH SPRING TRIBUTARY: SINKS  
COWBOY SPRING TRIBUTARY: SINKS  
FOURMILE SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

This right shall be used in conjunction with 45-12130, 45-12141,  
45-12159, 45-12831 & 45-14211 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 R21E S15 NWNWNW Within Cassia County  
S16 SNNWSE  
S17 SNNENW  
S32 NSENE

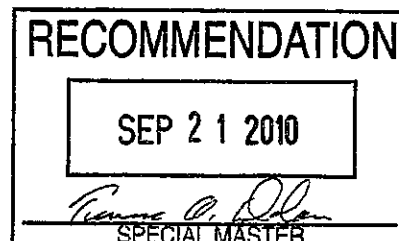
| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 05-01 TO 10-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Cassia County  
T14S R21E S15 NWNW  
S16 NWSE  
S17 NENW  
S32 SENE

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).



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 45-14211

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

E EUGENE MATTHEWS  
1249 S HWY 27  
OAKLEY, ID 83346

SOURCE: LITTLE COTTONWOOD CREEK TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

This right shall be used in conjunction with 45-12121 & 45-14210  
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 S12 SENESE (Instream Beginning Point) Within Cassia County  
R21E S16 NENENE (Instream Ending Point)

PURPOSE AND

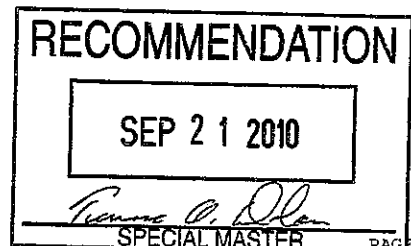
| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
|                | Stockwater     | 05-01 TO 10-31 | 0.02 CFS |

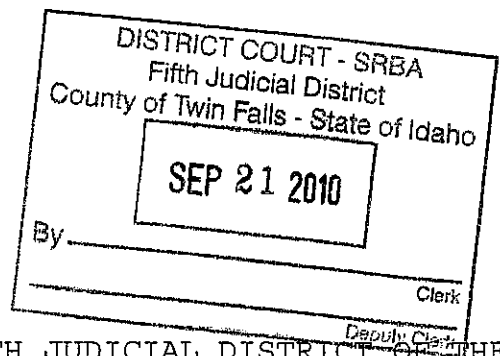
| PLACE OF USE: | Stockwater    | Within Cassia County |
|---------------|---------------|----------------------|
|               | T14S R20E S12 | NESE                 |
|               | R21E S07      | NESW LOT 3 (NWSW)    |
|               |               | NESE NWSE            |
|               | S08           | NWSW SWSW            |
|               |               | SESW SWSE            |
|               |               | SESE                 |
|               | S09           | SWSW SESW            |
|               | S16           | NENE NWNE            |
|               |               | NENW                 |

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

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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

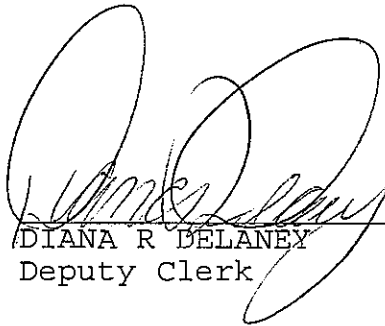
Water Right(s): 45-10357  
45-14210 45-14211

On September 21, 2010, Special Master BARRY WOOD  
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. BELANEY  
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): 45-10357  
45-14210 45-14211

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

*E. 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

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09/20/10

