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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT - 1 2010	
By _____	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) Subcases 02-7249 and 02-7462
Case No. 39576) (Salmon Falls Land & Livestock Co., Inc.)
)
) 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 Basin 02* on December 29, 2006. The Director recommended the two claims to Salmon Falls Land & Livestock Company, Inc., 95A Bell Rapids Road, Hagerman, Idaho, 83332, for 29.89 cfs and 20 cfs from the Snake River to irrigate 2,432 acres in Twin Falls County from April 1 to October 31 with priority dates of February 7, 1977, and September 29, 1969, based on licenses.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on December 5, 2007, and May 17, 2010, objecting to place of use. IDWR filed a *Notice of Completed Administrative Proceeding* in both subcases on April 1, 2010, for a change in place of use. Finally, on September 2, 2010, Salmon Falls and the United States, with IDWR's concurrence, filed *Standard Forms 5* amending the place of use and agreeing to add the remark: "Place of use does not include federal public lands."

Conclusions of Law

Salmon Falls is entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 02-7249 and 02-7462*.

DATED October 1, 2010.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 02-07249

QUANTITY: 29.89 CFS

POINT OF DIVERSION: T08S R14E S07 LOT 6 (NESE) Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	29.89 CFS

The period of use for the irrigation described in this approval may be extended to a beginning of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than originating approval/SRBA partial decree date.

PLACE OF USE:	Irrigation	Within Twin Falls County
	T08S R13E S10	SESE 20.0
	S11	NWNE 20.0
		SENE 40.2
		NWSW 40.0
		SESW 36.6
		NWSE 18.5
		SESE 29.7
	S12	SWNW 20.0
		NWSW 36.0
		SESW 40.6
		NWSE 39.9
		SESE 36.5
	S13	NWNE 37.3
		SENE 40.4
		NWNW 21.8
		SENW 40.4
		NWSW 40.2
		SESW 40.1
		NWSE 40.1
		SESE 40.1
	S14	NWNE 40.0
		SENE 29.0
		NWNW 40.0
		SENW 39.8
		SESW 39.5
		NWSE 39.9
		SESE 39.8

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

PLACE OF USE (continued)

S15	NENE 40.8	NWNE 40.8
	SWNE 20.0	SENE 20.0
R14E S07 LOT 7	(NWSW) 31.4	LOT 8 (SWSW) 31.8
	SESW 39.9	NWSE 28.2
	SWSE 39.8	
S18	NWNE 39.8	SWNE 39.8
	NENW 39.9	LOT 1 (NWNW) 31.8
LOT 2	(SNNW) 31.8	SENE 40.0
	NESW 39.9	LOT 3 (NWSW) 31.6
LOT 4	(SWSW) 31.3	SESW 39.7
	NWSE 39.7	SWSE 39.7
2662.8 Acres Total		

This right is limited to the irrigation of 1007.2 acres within the place of use described above in a single irrigation season. Rights 2-7249 and 2-7462 are limited to the irrigation of a specific 2432 acres within the 2662.8 acre place of use authorized by these rights in a single irrigation season. The specific 2432 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the Department. Before changing the 2432 acres to be irrigated within the 2662.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur. Place of use does not include federal public lands.

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

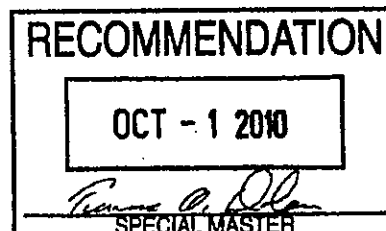
Water shall not be diverted under this right unless the flow of the Snake River exceeds flows required by prior downstream minimum stream flow rights.

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 02-07462

NAME AND ADDRESS: SALMON FALLS LAND & LIVESTOCK
CO INC
95A BELL RAPIDS RD
HAGERMAN, ID 83332

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 20.00 CFS

Rights 2-7249 and 2-7462 when combined shall not exceed a total
diversion rate of 29.89 cfs, a total annual maximum diversion
volume of 9728 af at the field headgate.

PRIORITY DATE: 09/29/1969

POINT OF DIVERSION: T08S R14E S07 LOT 6 (NENESE) Within Twin Falls County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 20.00 CFS

The period of use for the irrigation described in this approval
may be extended to a beginning of 3/15 and an ending date of
11/15 provided that beneficial use of the water can be shown and
other elements of the right are not exceeded. The use of water
before 4/1 and after 10/31 is subordinate to all water rights
having no subordinated early or late irrigation use and a
priority date earlier than originating approval/SRBA partial
decree date.

PLACE OF USE: Irrigation Within Twin Falls County

T08S R13E S10	SWSE 20.0	SESE 20.0
S11	NENE 20.0	NWNE 20.0
	SWNE 40.1	SENE 40.2
	NESW 33.2	NWSW 40.0
	SWSW 40.1	SESW 36.6
	NESE 29.9	NWSE 18.5
	SWSE 27.3	SESE 29.7
S12	NWNW 20.0	SWNW 20.0
	NESW 40.5	NWSW 36.0
	SWSW 40.5	SESW 40.6
	NESE 39.9	NWSE 39.9
	SWSE 40.5	SESE 36.5
S13	NENE 39.2	NWNE 37.3
	SWNE 40.3	SENE 40.4
	NENW 40.4	NWNW 21.8
	SWNW 32.9	SENW 40.4
	NESW 40.2	NWSW 40.2
	SWSW 40.1	SESW 40.1
	NESE 40.1	NWSE 40.1
	SWSE 40.0	SESE 40.1
S14	NENE 34.4	NWNE 40.0
	SWNE 40.0	SENE 29.0
	NENW 40.0	NWNW 40.0
	SWNW 39.8	SENW 39.8
	NESW 39.6	SESW 39.5
	NESE 39.9	NWSE 39.9
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PLACE OF USE (continued)

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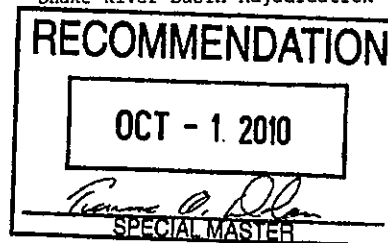
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

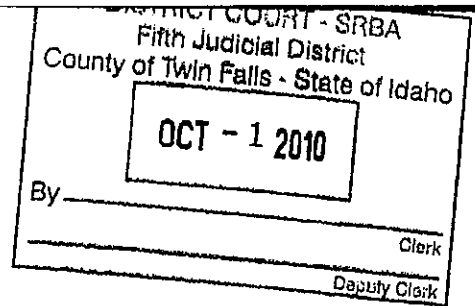
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

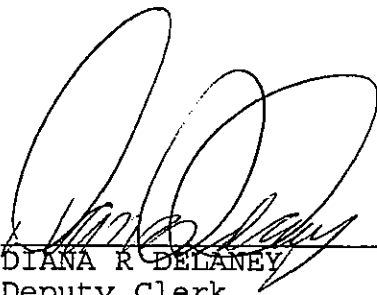
Water Right(s): 02-07249
02-07462

On October 01, 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.

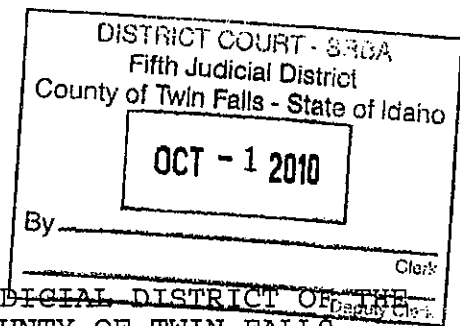
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 October 01, 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): 02-07249
02-07462

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 October 01, 2010, with sufficient first-class postage prepaid to the following:

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

SALMON FALLS LAND & LIVESTOCK
Represented by:
TIMOTHY J. STOVER
PO BOX 1906
TWIN FALLS, ID 83303
Phone: 208-734-0700

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

A large, stylized handwritten signature of Diana R. Delaney.

DIANA R DELANEY
Deputy Clerk

PAGE 1
10/01/10