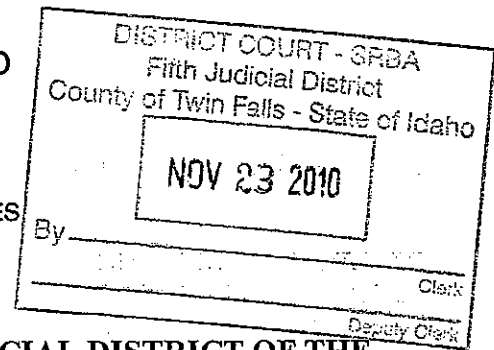


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NOV 26 2010

DEPARTMENT OF
WATER RESOURCES



**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

) Subcases 73-178, 73-179 and 73-188A
) (Big Creek Ranch LLC)
)
) **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 claims to Sulphur Creek Livestock for 4.8 cfs, 4.8 cfs and 1.5 cfs from Donkey Creek, Pahsimeroi River and Bear Creek for stockwater use and to irrigate 629.9 acres and 670 acres in Custer County from April 1 to October 31 with priority dates of October 21, 1908, and May 19, 1909, based on a decree.

Old Corrals and Sagebrush LLLP filed *Objections* on December 17, 2007, objecting to source, quantity, period of year and place of use. On March 29, 2010, counsel for Old Corrals was granted leave to withdraw as counsel of record, but no one has appeared in their place not pursued the matter. IDWR filed a *Notice of Completed Administrative Proceeding* on April 26, 2010, for a substitution of party naming Big Creek Ranch LLC, 280 Cranbrook Road, Hailey, Idaho, 83333, the new owner. No one filed an objection.

Conclusions of Law

Big Creek Ranch LLC is entitled to partial decrees adjudicating water rights as described in the *NCAP* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-178, 73-179 and 73-188A*.

DATED November 23, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 73-00178

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WATER RESOURCES

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

SOURCE: DONKEY CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 4.80 CFS

Right Nos. 73-178 and 73-179 are limited to a total combined
diversion rate of 4.8 cfs.

PRIORITY DATE: 10/21/1908

POINT OF DIVERSION: T12N R24E S27 NWSWN Within Custer County

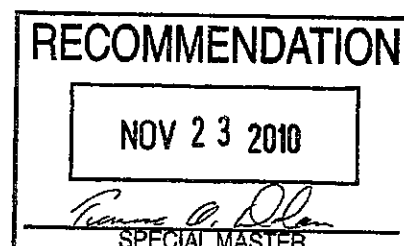
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.80 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T12N R24E S21	NESE 13.0
	S22	NENE 18.0
		SWNE 40.0
		NENW 8.7
		SWNW 40.0
		NESW 37.0
		NESE 40.0
		SWSE 35.0
	S23	SWNE 1.5
		NWNW 35.0
		SENE 39.0
		SESE 39.0
		NENW 11.0
		SWNW 40.0
		SENE 39.0
		NESW 9.6
		SWSW 23.0
	629.9 Acres Total	

Right Nos. 73-178 and 73-179 are limited to the irrigation of a
combined total of 240 acres in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 629.9 acres in a single irrigation season.
Combined Right Nos.: 73-165, 73-168, 73-178, 73-179.
This right is limited to the irrigation of 240 acres within the
place of use described above in a single irrigation season.

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 73-00179

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DEPARTMENT OF
WATER RESOURCES

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

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 4.80 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.
Right Nos. 73-178 and 73-179 are limited to a total combined
diversion rate of 4.8 cfs.

PRIORITY DATE: 10/21/1908

POINT OF DIVERSION: T12N R24E S32 SWSW Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.80 CFS
	Stockwater	04-01 TO 10-31	0.14 CFS

PLACE OF USE:	Irrigation		Within Custer County
	T12N R24E S21	NESE 13.0	
	S22	NENE 18.0	NWNE 8.1
		SWNE 40.0	SENE 40.0
		NENW 8.7	NWNW 14.0
		SWNW 40.0	SENE 34.0
		NESW 37.0	NWSW 39.0
		NESE 40.0	NWSE 40.0
		SWSE 35.0	SESE 39.0
	S23	SWNE 1.5	NENW 11.0
		NWNW 35.0	SWNW 40.0
		SENE 24.0	NESW 9.6
		NWSW 40.0	SWSW 23.0
	629.9 Acres Total		

Stockwater		Within Custer County
T12N R24E S21	NESE	
S22	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENE
	NESW	NWSW
	NESE	NWSE
	SWSE	SESE
S23	SWNE	NENW
	NWNW	SWNW
	SENE	NESW
	NWSW	SWSW

This right is limited to the irrigation of 240 acres within the
place of use described above in a single irrigation season.
Right Nos. 73-178 and 73-179 are limited to the irrigation of a
combined total of 240 acres in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 629.9 acres in a single irrigation season.
Combined Right Nos.: 73-165, 73-168, 73-178, 73-179.

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

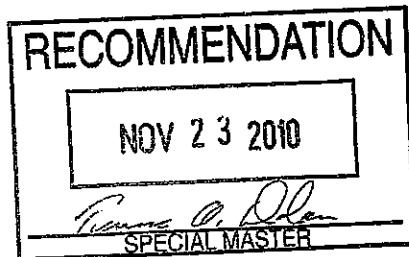
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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).

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 73-00188A

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DEPARTMENT OF
WATER RESOURCES

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

SOURCE: BEAR CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.50 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 05/19/1909

POINT OF DIVERSION: T12N R24E S23 NENW Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.50 CFS
	Stockwater	04-01 TO 10-31	0.14 CFS

PLACE OF USE:	Irrigation		Within Custer County
	T12N R24E S16	SWNW 8.4	NESW 7.6
		NWSW 7.2	SESW 9.3
		SWSE 7.6	
	S21	NESE 13.0	
	S22	NENE 18.0	NWNE 8.1
		SWNE 40.0	SENE 40.0
		NENW 8.7	NWNW 14.0
		SWNW 40.0	SENW 34.0
		NESW 37.0	NWSW 39.0
		NESE 40.0	NWSE 40.0
		SWSE 35.0	SESE 39.0
	S23	SWNE 1.5	NENW 11.0
		NWNW 35.0	SWNW 40.0
		SENW 24.0	NESW 9.6
		NWSW 40.0	SWSW 23.0
	670.0 Acres Total		

Stockwater		Within Custer County
T12N R24E S16	SWNW	NESW
	NWSW	SESW
	SWSE	
S21	NESE	
S22	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	NESE	NWSE
	SWSE	SESE
S23	SWNE	NENW
	NWNW	SWNW
	SENW	NESW
	NWSW	SWSW

This right is limited to the irrigation of 75 acres within the
place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a

PLACE OF USE (continued)

combined total of 670 acres in a single irrigation season.
Combined Right Nos.: 73-187A, 73-188A, 73-2038, 73-10047.

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

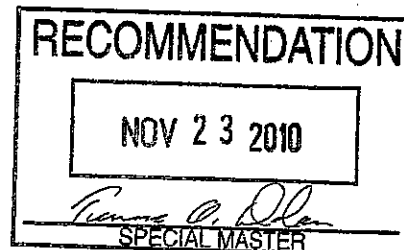
—The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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).

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



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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 23 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

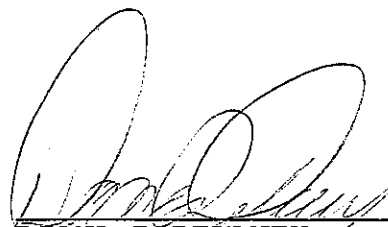
Water Right(s): 73-00178
73-00179 73-00188A

On November 23, 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.

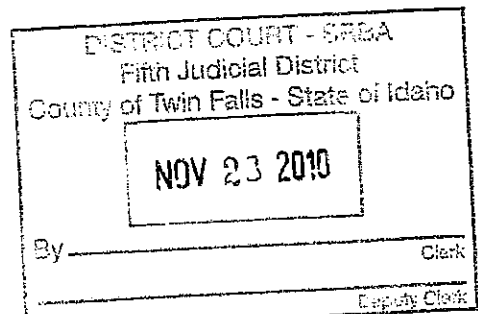
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 November 23, 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

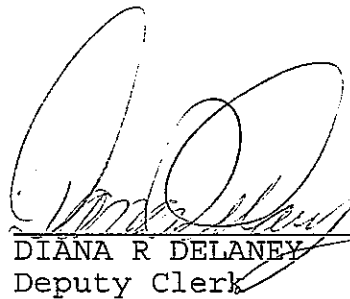
Water Right(s): 73-00178
73-00179 73-00188A

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 November 23, 2010, with sufficient first-class postage prepaid to the following:

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

BIG CREEK RANCH LLC
280 CRANBROOK RD
HAILEY, ID 83333



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
11/23/10