

RECEIVED

JAN 15 2003

Department of Water Resources

2003 JAN 14 AM 9:45

FILED
TWIN FALLS CO., IDAHO
SRBA

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 43-02403 (C Bar Cattle Co.)

and 43-02404 (Raft River Grazing Assn.)

ORDER GRANTING MOTION TO

WITHDRAW OBJECTION and

SPECIAL MASTER REPORT

Findings of Fact

J.A. Pierce filed a *Notice of Claim to a Water Right* under 43-02403 on June 20, 1989, claiming .11 cfs from Point Spring for year-'round stockwater use in Cassia County with a priority date of March 5, 1954, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim to C Bar Cattle Company, Christopher F. Robinson, 139 E. South Temple #310, Salt Lake City, Utah 84111. IDWR later identified 43-02404 as an overlapping, but uncontested, claim filed by the Raft River Grazing Association, Malta, Idaho 83342.

C Bar Cattle Company filed an *Objection* in subcase 43-02403 on February 8, 2002, objecting to place of use. On April 10, 2002, the United States of America, Department of Agriculture, Forest Service filed a *Response*.

On December 4, 2002, C Bar Cattle Company filed a *Motion to Withdraw Objection*. A hearing on the *Motion* was held on January 9, 2003, at the SRBA Courthouse in Twin Falls, Idaho. Timothy J. Schneider appeared by telephone for C Bar Cattle Company; David L. Negri appeared by telephone for the USDA/FS, along with Jamie Gough and Steve Spencer; Alvin Neddo and Kevin Tracy represented their interests in 43-02404; and Candice M. McHugh appeared by telephone for IDWR. No one opposed the *Motion* and there are no other objections.

THEREFORE, IT IS ORDERED that C Bar Cattle Company's *Motion to Withdraw Objection* is **granted**.

Conclusions of Law

C Bar Cattle Company and the Raft River Grazing Association are entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 43-02403* (C Bar Cattle Company) *and 43-02404* (Raft River Grazing Association).

DATED January 14, 2003.



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 43-02403

2003 JAN 14 AM 9:45

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: C BAR CATTLE COMPANY
CHRISTOPHER F ROBINSON
139 E SOUTH TEMPLE #310
SALT LAKE CITY, UT 84111

SOURCE: POINT SPRING TRIBUTARY: SINKS

QUANTITY: 0.11 CFS
6.70 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-2404 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .11 CFS.

PRIORITY DATE: 03/05/1954

POINT OF DIVERSION: T13S R28E S32 SWSE Within Cassia County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Stockwater 01-01 TO 12-31 0.11 CFS
6.70 AFY

PLACE OF USE: Stockwater Within Cassia County
T14S R28E S05 NENW NWNW
SWNW SENW
NESW NWSW
SWSW SESW
S06 NENE SENE
NESE NWSE
SWSE SESE
S07 NENE NWNW
SWNE SENE
NENW SENW
NESW NWSW
SWSW NESE
NWSE SWSE
SESE
S08 NENW NWNW
SWNW SENW
NWSW SWSW
SESW
S18 NENE NWNE
SWNE SENE
NENW NWNW
SWNW SENW
NESW NWSW
SESW NESE
NWSE SWSE
SESE

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.

RECOMMENDATION

JAN 14 2003
Ronald A. DeLo
SPECIAL MASTER

Roger Burdick
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 43-02404

2003 JAN 14 AM 9:45

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: RAFT RIVER GRAZING ASSN
MALTA, ID 83342

SOURCE: POINT SPRING

TRIBUTARY: SINKS

QUANTITY: 0.11 CFS
6.70 APY

USE OF THIS RIGHT WITH RIGHT NO. 43-2403 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .11 CFS.

PRIORITY DATE: 03/05/1954

POINT OF DIVERSION: T13S R28E S32 SWSE Within Cassia County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Stockwater

PERIOD OF USE
01-01 TO 12-31

QUANTITY
0.11 CFS
6.70 APY

PLACE OF USE:

Stockwater
T13S R28E S31

SWNE
NENW
NESE
NESW

Within Cassia County
SENE
SENW
NWSW

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.

RECOMMENDATION

JAN 14 2003

SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2003 JAN 14 AM 9:45

INSTITUTIONAL SRBA
TWIN FALLS CO., IDAHO
FILED

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 43-02403

43-02404

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 January 14, 2003, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
DAVID NEGRI
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

C BAR CATTLE COMPANY
Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

CERTIFICATE OF MAILING

PAGE 1
01/14/03

C BAR CATTLE COMPANY
CHRISTOPHER F ROBINSON
139 E SOUTH TEMPLE #310
SALT LAKE CITY, UT 84111
Phone: 801-328-1600

RAFT RIVER GRAZING ASSN
MALTA, ID 83342
Phone: 208-645-2580



ROBBIN HALL
Deputy Clerk

DATE: 11-20-88
BY: J. D. H.

In Re SRBA
Case No. 39576

Water Right(s): 43-02403
43-02404

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.

ROBBIN HALL
Deputy Clerk