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Department of Water Resources

2003 DEC 19 AM 11: 53

DISTRICT COURT-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

Case No. 39576

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Subcase 43-00045

(Round Mountain Ranch)

2nd SPECIAL MASTER REPORT

Findings of Fact

Merle Jones filed a *Notice of Claim to a Water Right* on April 20, 1989, claiming 1.7 cfs from Clear Creek to irrigate 266 acres in Cassia County from April 1 to November 1 with a priority date of June 1, 1882, based on a decree. On February 27, 1998, the Director of the Idaho Department of Water Resources filed his *Preliminary Director's Report for Water Rights Diverted from Clear Creek, IDWR Basin 43 – Cassia County*. Jeff Sessions filed an *Objection* on March 25, 1998, objecting to name and address, points of diversion and place of use.

DWR filed a *Notice of Completed Administrative Proceeding* on April 7, 2000, for a substitution of party from Merle Jones to Shirley A. Jones. On September 28, 2001, the Director filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43*. The Director recommended 43-00045 as claimed, but to Jeff Sessions and Shirley A. Jones for irrigation of 223 acres from April 1 to October 31. The Special Master entered a **Report and Recommendation** on September 5, 2002, in multiple subcases in Basin 43, including 43-00045, recommending the claim to Shirley A. Jones. However, on October 11, 2002, Jeff Sessions filed a *Motion to Alter or Amend* and the *Motion* was granted on November 18, 2002.

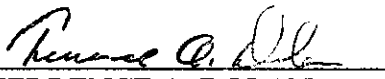
On July 18, 2003, IDWR filed another *NCAP* for another substitution of party from Shirley Jones to Round Mountain Ranch. IDWR filed a *Supplemental Director's Report Regarding Subcase Nos. 43-45, 43-286B, 43-2110 and 43-10116* on October 17, 2003. Finally, on December 17, 2003, the claimant and IDWR filed a *Standard Form 5* agreeing that 43-00045

be decreed to Round Mountain Ranch, HC 72, Box 2346, Malta, Idaho, 83342, for irrigation of 223 acres.

Conclusions of Law

Round Mountain Ranch is entitled to a partial decree adjudicating a water right under claim 43-00045 as described in the *SF-5* and the attached *2nd Special Master Recommendation for Partial Decree for Water Right 43-00045*.

DATED December 19, 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)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-00045

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TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: ROUND MOUNTAIN RANCH
HC 72 BOX 2346
MALTA, ID 83342

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 1.70 CFS

PRIORITY DATE: 06/01/1982

POINT OF DIVERSION: T16S R27E S27 SESENE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.70 CFS

PLACE OF USE:	Irrigation	Within Cassia County
T16S R27E S13	NENE 4.0	SWNE 7.0
	SENE 15.0	NESW 5.0
	NESE 29.0	NWSE 33.0
	SWSE 40.0	SESE 40.0
S24	NENE 33.0	NWNE 4.0
R28E S19 LOT 1	(NWNW)13.0	
223.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 146 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 43-00286B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 258 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER
DISTRICT 43-B.

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

DEC 19 2003

James A. Melanson
SPECIAL MASTER

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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CERTIFICATE OF MAILING

Water Right(s): 43-00045

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 December 19, 2003, with sufficient first-class postage prepaid to the following:

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

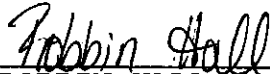
HAROLD AND BETH JONES
Represented by:
PATRICK D. BROWN
HUTCHINSON & BROWN, LLP
P O BOX 207
TWIN FALLS, ID 83303-0207
Phone: 208-733-9300

JEFF SESSIONS
Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

CERTIFICATE OF MAILING

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12/19/03

ROUND MOUNTAIN RANCH
HC 72 BOX 2346
MALTA, ID 83342


ROBBIN HALL
Deputy Clerk

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

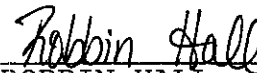
Water Right(s): 43-00045

On December 19, 2003, 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 December 19, 2003.



ROBBIN HALL
Deputy Clerk