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Department of Water Resources

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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

)
) Subcase 43-04239
) (C Bar Cattle Co.)
)
) SPECIAL MASTER REPORT

Findings of Fact

Pierce, Inc., and Alvin Neddo filed a *Notice of Claim to a Water Right* on June 20, 1989, claiming .51 cfs from groundwater for year-'round stockwater use in Cassia County with a priority date of September 27, 1954, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, IDWR Reporting Area 7, IDWR Basin 43* on September 28, 2001. The Director recommended the claim as filed to the C Bar Cattle Company, 139 E. South Temple #310, Salt Lake City, Utah, 84111.

The C Bar Cattle Company filed an *Objection* on February 8, 2002, objecting to place of use. IDWR filed a *Notice of Completed Administrative Proceeding* on November 25, 2003, for a substitution of party adding the name of Alvin Neddo, 2252 East, 1500 South, Malta, Idaho, 83342. On December 19, 2003, the claimants and IDWR filed a *Standard Form 5* agreeing that the water right be decreed with amended places of use.

Conclusions of Law

The C Bar Cattle Company and Alvin Neddo are entitled to a partial decree adjudicating a water right under claim 43-04239 as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-04239*.

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 43-04239

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TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: C BAR CATTLE CO
C/O CHRISTOPHER F ROBINSON
139 E SOUTH TEMPLE #310
SALT LAKE CITY, UT 84111

ALVIN NEDDO
2252 E 1500 S
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.51 CFS
369.00 APY

PRIORITY DATE: 09/27/1954

POINT OF DIVERSION: T13S R28E S26 NWSWNE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.51 CFS 369.00 APY

PLACE OF USE:	Stockwater		Within Cassia County
	T13S R28E S23	SENW	SWSE
	S26	NENE	NWNE
		SWNE	SENE
	S27	SENW	NESW
	S28	NESE	
	S33	SENE	NESE
		SWSE	
	S34	SENW	
	S35	SWNE	SENW
		SESW	SESE
	S36	NWSW	
	T14S R28E S01	SWNE	NWSE

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

DEC 19 2003

John M. Melanson
CLERK OF COURT

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

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 43-04239

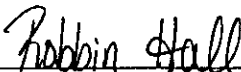
CERTIFICATE OF MAILING

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

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

ALVIN NEDDO
2252 E 1500 S
MALTA, ID 83342



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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): 43-04239

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
ROBBIN HALL
Deputy Clerk