

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2004 JUN 2 PM 3 05

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	)	Subcase 43-10573
	)	(C Bar Cattle Co.)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

Jack A. Pierce filed a *Notice of Claim to a Water Right* on June 20, 1989, claiming .12 cfs from Hutcheys Spring for stockwater use in Cassia County from May 1 to December 1 with a priority date of May 1, 1871, based on beneficial use. 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 as filed, but to C Bar Cattle Company, Christopher F. Robinson, 139 E. South Temple #310, Salt Lake City, Utah, 84111.

The United States of America, Department of Agriculture, Forest Service filed an *Objection* on February 8, 2002, objecting to source, quantity, priority date, points of diversion and places of use. The claimant filed an *Objection* the same date objecting to places of use. The United States of America, Department of Interior, Bureau of Land Management filed another *Objection* the same date objecting to priority date, points of diversion and places of use.

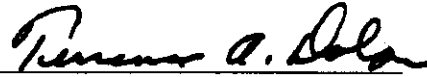
On April 7, 2004, the claimant and the United States (Forest Service and BLM) filed a *Stipulation to Resolve United States' Objections* in subcases 43-02097C and 43-10573, plus an *Amended Claim Standard Form 5* in subcase 43-10573 agreeing to changes in the quantity, priority date, places of use and remarks and a *Standard Form 5* in subcase 43-02097C.

On April 8, 2004, the Special Master entered an *Order Setting Deadline to File Objections* in subcases 43-02097C and 43-10573 setting June 1, 2004, as the deadline to file objections to the claims as amended. No such objections were filed.

Conclusions of Law

C Bar Cattle Company is entitled to a partial decree adjudicating a water right as described in the *Amended Claim SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-10573*.

DATED June 2, 2004.



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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-10573

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

SOURCE: HUTCHEY SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 10/11/1970

POINT OF DIVERSION: T14S R28E S14 SESE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 12-01	0.02 CFS

PLACE OF USE:	Stockwater	Within Cassia County
	T13S R28E S34	SWNW
	S35	NENE
		SESW
	T14S R28E S01	SESW
	S02 LOT 1	(NENE)
	R29E S18	NWNE
		SESW

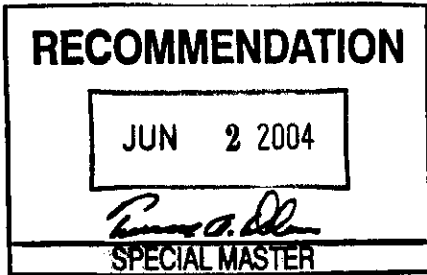
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF
THE STIPULATION TO RESOLVE SUBCASES ENTERED INTO ON MARCH 18,
2004 BETWEEN THE UNITED STATES OF AMERICA AND THE C BAR CATTLE
COMPANY FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND
RECORDED ON MARCH 22, 2004 AS INSTRUMENT NO. 294608; THE
PROVISIONS OF SUCH STIPULATION TO APPLY FULLY TO 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.



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

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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-10573

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 June 02, 2004, 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

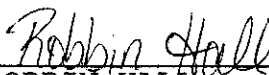
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UNITED STATES OF AMERICA

Represented by:

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550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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



ROBBIN HALL
Deputy Clerk

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 43-10573

On June 02, 2004, 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 June 02, 2004.



ROBBIN HALL
Deputy Clerk