

2003 JUN 23 PM 2:04
FILED
SRBA
JUN 23 2003

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	)	SPECIAL MASTER'S REPORT
	)	AND RECOMMENDATION
Case No. 39576	)	
	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS 61-00326,
	)	61-00327, 61-00330, 61-00331,
	)	61-02038 and 61-04147

I. FINDINGS OF FACT

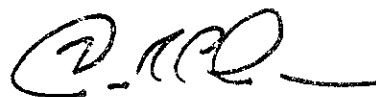
A notice of claim was filed for these water rights pursuant to I.C. § 42-1409. The Director for the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

John McCallum filed an objection to the above listed water rights on June 15, 1999. An *Amended Director's Report – Amended Claim* was filed on June 28, 2000. Objection and response deadlines to the *Amended Director's Report – Amended Claim* were set and followed docket sheet procedure. No objections were filed and on November 3, 2000, a *Special Master's Report and Recommendation* was issued. A *Partial Decree* was issued on January 9, 2001. On May 10, 2001, Charter Mountain Ranch, Inc. and Ark Properties, LLC filed a *Motion for Leave to have the Department of Water Resources File Amended Director's Reports*. The *Amended Director's Report* was filed on September 14, 2001. Objection deadlines to the *Amended Director's Reports* were set and followed docket sheet procedure. No objections were filed and the time for filing has expired.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Amended Director's Reports*, IT IS RECOMMENDED that these water rights be decreed with the elements as set forth in the attached *Special Master's Recommendation for Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated January 23, 2003.



THOMAS R CUSHMAN
Special Master
Snake River Basin Adjudication

2003 JAN 23 PM 2:05

DOIN T-SSBA
TWIN FALLS CO. IDAHO
FILED *PK*

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): 61-00326
61-00327 61-00330 61-00331
61-02038 61-04147

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 23, 2003, with sufficient first-class postage prepaid to the following:

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

JOHN MCCALLUM
Represented by:
BRUCE M. SMITH
225 NORTH 9TH ST, STE 420
BOISE, ID 83702
Phone: 208-331-1800

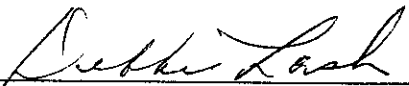
CERTIFICATE OF MAILING

PAGE 1
01/23/03

SCANNED

JAN 24 2003

DOUBLE ANCHOR RANCH INC
Represented by:
PERCE E HALL
340 E 2ND N
MOUNTAIN HOME, ID 83647
Phone: 208-587-4412



DEBBIE LASH
Deputy Clerk

2003 JAN 23 PM 2:05

FILED
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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

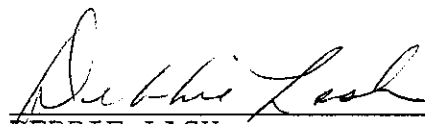
Water Right(s): 61-00326
61-00327 61-00330 61-00331
61-02038 61-04147

On January 23, 2003, Special Master THOMAS R CUSHMAN 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 January 23, 2003.


DEBBIE LASH
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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-02038

2003 JAN 23 PM 2:04
FILED
JAN 23 2003
TWIN FALLS, IDAHO
CLERK OF DISTRICT COURT

NAME AND ADDRESS: DOUBLE ANCHOR RANCH INC
LYNN OR ELSIE RIGGS
RT 1 BOX 445
GLENN'S FERRY, ID 83623

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.20 CFS

PRIORITY DATE: 07/10/1913

POINT OF DIVERSION: T04S R09E S16 NWSWSE Within Elmore County
S32 SWNWNE

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 02-15 TO 11-15 1.20 CFS

PLACE OF USE: Irrigation Within Elmore County
T04S R09E S28 SESW 40.0 NWSE 39.0
SWSE 40.0
S29 SESE 20.0
S32 NENE 39.0 NWNE 39.0
SWNE 40.0 SENE 39.0
NENW 8.2 NESW 17.0
NESE 39.0 NWSE 40.0
S33 NWNE 29.0 SWNE 4.1
NENW 40.0 NWNW 39.0
SWNW 32.0 SENW 38.0
NESW 38.0 NWSW 39.0
SESW 35.5 NWSE 12.0
SWSE 1.7
708.5 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 708.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00322, 61-00323,
61-00326, 61-00327, 61-00330, 61-00331, 61-10349 & 61-04147.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

