

2003 JUN 23 PM 2:04
CLERK OF DISTRICT COURT
FIFTH JUDICIAL DISTRICT
IDAHO
TWIN FALLS

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

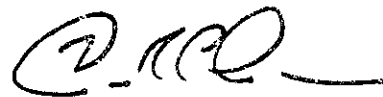
A notice of claim was filed for these water rights pursuant to I.C. § 42-1409. The Director for the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

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

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 61-00326

2003 JAN 23 PM 2:04
FILED

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: 1.00 CFS

PRIORITY DATE: 05/01/1878

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-15	1.00 CFS

PLACE OF USE:	Irrigation	Within Elmore County
	T04S R09E S28	NWSE 39.0
		SWSE 40.0
	S29	SESE 20.0
	S32	NENE 39.0
		SWNE 40.0
		SENE 39.0
		NENW 8.2
		NESW 17.0
		NESE 39.0
		NWSE 40.0
	S33	SWNE 4.1
		NWNW 39.0
		SENE 38.0
		NESW 38.0
		NWSW 39.0
		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,
61-02038, 61-00327, 61-00330, 61-00331, 61-10349 & 61-04147.

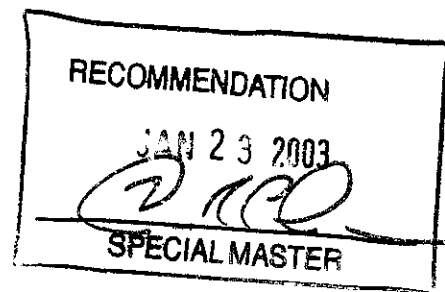
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



2003 JAN 23 PM 2:05

CLERK OF DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED *[Signature]*

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): 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:

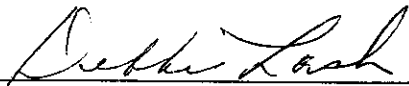
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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

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

STRICT OF THE

100-443887-100

In Re SRBA)
)
Case No. 39576)
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      Water Right(s): 61-00326
61-00327      61-00330      61-00331
61-02038      61-04147

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DEBBIE LASH
Deputy Clerk