

2003 JUN 23 PM 2:04  
FILED  
SRBA  
JUN 23 2003  
JUL 10 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

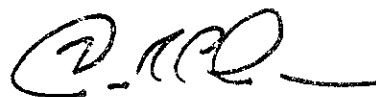
A notice of claim was filed for these water rights pursuant to I.C. § 42-1409. The Director for the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

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

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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

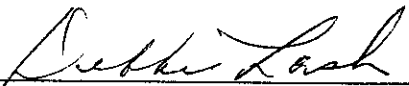
CERTIFICATE OF MAILING

PAGE 1  
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**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

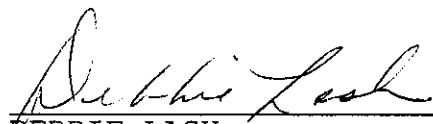
Water Right(s): 61-00326  
61-00327 61-00330 61-00331  
61-02038 61-04147

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

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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.

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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

