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Department of Water Resources

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FILED
JAN 24 2003
TWIN FALLS CO. IDAHO
DL

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

) SPECIAL MASTER'S REPORT

) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW

) FOR WATER RIGHTS 61-00345,
) 61-00347, 61-02007 and 61-02052
)
)
)

I. FINDINGS OF FACT

A notice of claim was filed for these water rights pursuant to I.C. § 42-1409. The Director of 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.

A Partial Decree was issued in each of the above listed water rights on October 26, 2000. 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 Report, IT IS RECOMMENDED that these water rights be **decreed** with the elements as set forth in the attached Special Master's *Recommendations for Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED January 24, 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 61-02052

2003 JAN 24 AM 10:28

NAME AND ADDRESS: JOE BLACK & SONS
PO BOX 67
HAMMETT, ID 83627

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.64 CFS

PRIORITY DATE: 12/19/1917

POINT OF DIVERSION: T05S R09E S20 NESW Within Elmore County
S29 NESW

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Department of Water Resources

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 02-15 TO 11-15 0.64 CFS

PLACE OF USE: Irrigation Within Elmore County

T05S R09E S19	NESE 8.9	SESE 29.0
S20	NWSW 4.1	SWSW 31.0
S29	NWNW 38.0	SWNW 35.0
	NWSW 38.0	SWSW 32.5
S30	NENE 38.0	SENE 40.0
	NESE 40.0	SESE 34.0
S31	NENE 14.4	
S32	NWNW 22.9	
405.8 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 405.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00347, 61-00345,
61-02007 & KING HILL IRRIGATION DISTRICT WATER.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32 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.

RECOMMENDATION

JAN 24 2003

SPECIAL MASTER

Roger Burdick
Presiding Judge of the
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 61-02007

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NAME AND ADDRESS: JOE BLACK & SONS
PO BOX 67
HAMMETT, ID 83627

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Department of Water Resources

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.10 CFS

PRIORITY DATE: 02/29/1908

POINT OF DIVERSION: T05S R09E S20 NESW Within Elmore County
S29 NESW

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 02-15 TO 11-15 2.10 CFS

PLACE OF USE: Irrigation Within Elmore County
T05S R09E S19 NESE 8.9 SESE 29.0
S20 NWSW 4.1 SWSW 31.0
S29 NWNW 38.0 SWNW 35.0
NWSW 38.0 SWSW 32.5
S30 NENE 38.0 SENE 40.0
NESE 40.0 SESE 34.0
S31 NENE 14.4
S32 NWNW 22.9
405.8 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 405.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00347, 61-00345,
61-02052 & KING HILL IRRIGATION DISTRICT WATER.

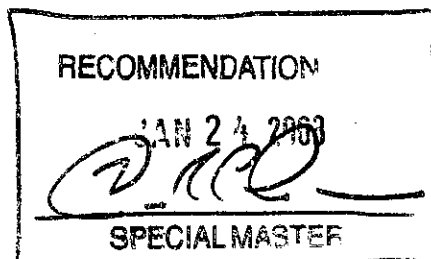
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 136 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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 61-00347

2003 JAN 24 AM 10:28

FILED
JAN 24 2003
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

NAME AND ADDRESS: JOE BLACK & SONS
PO BOX 67
HAMMETT, ID 83627

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.20 CFS

PRIORITY DATE: 05/01/1984

POINT OF DIVERSION: T05S R09E S20 NESW Within Elmore County
S29 NESW

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 02-15 TO 11-15 3.20 CFS

PLACE OF USE: Irrigation Within Elmore County
T05S R09E S19 NESE 8.9 SESE 29.0
S20 NWSW 4.1 SWSW 31.0
S29 NWNW 38.0 SWNW 35.0
NWSW 38.0 SWSW 32.5
S30 NENE 38.0 SENE 40.0
NESE 40.0 SESE 34.0
S31 NENE 14.4
S32 NWNW 22.9
405.8 Acres Total

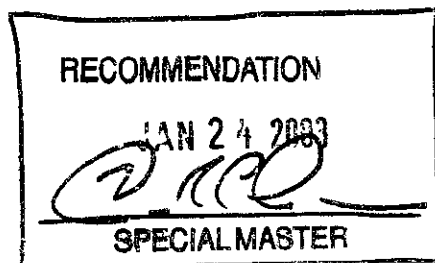
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 405.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00345, 61-02007,
61-02052 & KING HILL IRRIGATION DISTRICT WATER.

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
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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

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Water Right 61-00345

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CLERK OF DISTRICT COURT
TWIN FALLS CO., IDAHO
JAN 24 2003
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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)
_____)

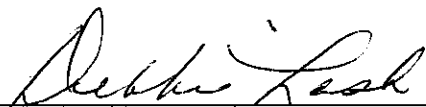
Water Right(s): 61-00345
61-00347 61-02007 61-02052

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 24, 2003, with sufficient first-class postage prepaid to the following:

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

JOE BLACK & SONS
PO BOX 67
HAMMETT, ID 83627
Phone: 208-366-7963



DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

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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

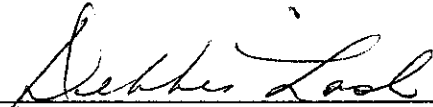
Water Right(s): 61-00345
61-00347 61-02007 61-02052

On January 24, 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 24, 2003.


DEBBIE LASH
Deputy Clerk