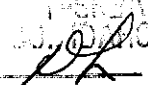


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2003 JAN 24 AM 10:28

Department of Water Resources

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     | ) | SPECIAL MASTER'S REPORT   |
|                | ) |                           |
| Case No. 39576 | ) | FINDINGS OF FACT AND      |
|                | ) | CONCLUSIONS OF LAW        |
|                | ) |                           |
|                | ) | FOR WATER RIGHTS 61-00317 |
|                | ) | and 61-00346              |

---

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.

John Mc Callum, the claimant, filed an objection on June 15, 1999. On July 23, 1999, Mr. Mc Callum filed a *Notice of Withdrawal of Objections to Claims for Water Rights*. Subsequently, a Partial Decree was issued in each of the above listed water rights on April 17, 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 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

## 2003 JAN 24 AM 10:23

Water Right 61-00317

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USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 2.46 CFS. COMBINED RIGHT NOS.:  
61-00346 & 61-02048.

POINT OF DIVERSION: T05S R09E S08 SWSWSE Within Elmore County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 02-15 TO 11-15 | 1.36 CFS |

|               |                   |           |                      |
|---------------|-------------------|-----------|----------------------|
| PLACE OF USE: | Irrigation        |           | Within Elmore County |
|               | T05S R09E S17     | NENE 3.5  | NWNE 20.0            |
|               |                   | SWNE 35.0 | SENE 13.5            |
|               |                   | SESW 2.0  | NESE 8.3             |
|               |                   | NWSE 35.3 | SWSE 35.2            |
|               |                   | SESE 2.9  |                      |
|               | S20               | NWNE 23.0 |                      |
|               | 178.7 Acres Total |           |                      |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 178.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00346 & 61-02048.

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

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 61-00317

PAGE 1  
Sep-26-2001

RECOMMENDATION

JAN 24 2003

*[Signature]*

SPECIAL MASTER

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 61-00346

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NAME AND ADDRESS: BARBER CAVEN RANCHES  
6874 FAIRVIEW  
BOISE, ID 83704

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Department of Water Resources

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER  
QUANTITY: 0.70 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 2.46 CFS. COMBINED RIGHT NOS.:  
61-00317 & 61-02048.

PRIORITY DATE: 05/01/1885

POINT OF DIVERSION: T05S R09E S08 SWSWSE Within Elmore County

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation 02-15 TO 11-15 0.70 CFS

PLACE OF USE: Irrigation Within Elmore County  
T05S R09E S17 NENE 3.5 NWNE 20.0  
SWNE 35.0 SENE 13.5  
SESW 2.0 NESE 8.3  
NWSE 35.3 SWSE 35.2  
SESE 2.9  
S20 NWNE 23.0  
178.7 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 178.7 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00317 & 61-02048.

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

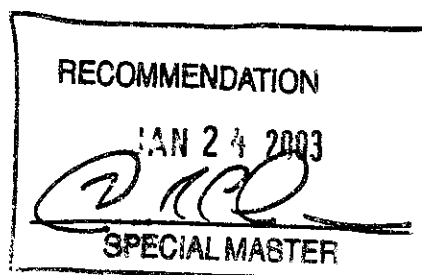
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 61-00346



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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 )

CERTIFICATE OF MAILING

Case No. 39576 )  
\_\_\_\_\_ )

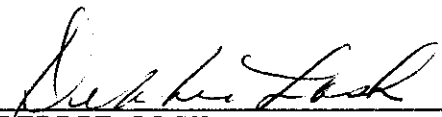
Water Right(s): 61-00317  
61-00346

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

BARBER CAVEN RANCHES  
6874 FAIRVIEW  
BOISE, ID 83704

  
DEBBIE LASH  
Deputy Clerk

CERTIFICATE OF MAILING

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SRBA  
TWIN FALLS, IDAHO

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

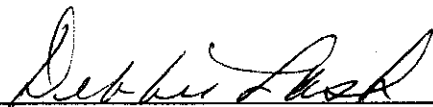
Water Right(s): 61-00317  
61-00346

On January 24, 2003, Special Master HON. ROGER S. BURDICK issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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