

2003 JUL 29 AM 11:49

T-SRBA  
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

)  
) Subcase 43-10574  
) (C Bar Cattle Co.)  
)  
) SPECIAL MASTER REPORT

**Findings of Fact**

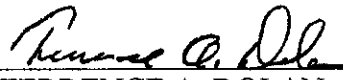
Jack A. Pierce filed a *Notice of Claim to a Water Right* on June 20, 1989, claiming .16 cfs from groundwater for year-'round stockwater use in Cassia County with a priority date of May 1, 1952, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43* on September 28, 2001. The Director recommended the claim as filed, but to C Bar Cattle Company, Christopher F. Robinson, 139 E. South Temple #310, Salt Lake City, Utah 84111.

The United States of America, Department of Agriculture, Forest Service filed an *Objection* on February 8, 2002, objecting to priority date, period of year and place of use. The same date, the C Bar Cattle Company filed an *Objection* to point of diversion and place of use. On December 11, 2002, C Bar Cattle Company, the United States and IDWR filed an *Amended Claim Standard Form 5* agreeing to an amended place of use.

**Conclusions of Law**

The C Bar Cattle Company is entitled to a partial decree adjudicating a water right as described in the *Amended Claim Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-10574*.

DATED January 29, 2003.

  
TERRENCE A. DOLAN  
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 43-10574

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TWIN FALLS CO., IDAHO

NAME AND ADDRESS: C BAR CATTLE COMPANY  
CHRISTOPHER F ROBINSON  
139 E SOUTH TEMPLE #310  
SALT LAKE CITY, UT 84111

SOURCE: GROUND WATER

QUANTITY: 0.16 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 05/01/1952

POINT OF DIVERSION: T14S R28E S18 SWSE Within Cassia County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.16 CFS |

| PLACE OF USE: | Stockwater    | Within Cassia County |
|---------------|---------------|----------------------|
|               | T14S R28E S06 | SESE                 |
|               | S07           | NESE                 |
|               | S18           | NESE                 |

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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 29 2003

*Russell A. DeLo*  
SPECIAL MASTER

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

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In Re SRBA )

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

CERTIFICATE OF MAILING

Water Right(s): 43-10574

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 29, 2003, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA  
Represented by:  
DAVID NEGRI  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATURAL RESOURCE  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

C BAR CATTLE COMPANY  
Represented by:  
ROGER D LING  
PO BOX 396  
RUPERT, ID 83350  
Phone: 208-436-4717

CERTIFICATE OF MAILING

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01/29/03

C BAR CATTLE COMPANY

Represented by:

TIMOTHY J SCHNEIDER

615 H STREET

PO BOX 396

RUPERT, ID 83350

Phone: 208-436-4717

C BAR CATTLE COMPANY

CHRISTOPHER F ROBINSON

139 E SOUTH TEMPLE #310

SALT LAKE CITY, UT 84111

Phone: 801-328-1600

Robbin Hall  
ROBBIN HALL  
Deputy Clerk

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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): 43-10574

On January 29, 2003, Special Master TERRENCE A. DOLAN 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 29, 2003.

Robbin Hall  
ROBBIN HALL  
Deputy Clerk