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Department of Water Resources

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DISTRICT COURT-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

)

Subcase 36-02178

)

(Salmon Falls Land & Livestock Co., Inc.)

Case No. 39576

)

)

SPECIAL MASTER REPORT

Findings of Fact

Salmon Falls Sheep Company, Inc., filed a *Notice of Claim to a Water Right* on May 27, 1988, claiming 1.68 cfs from groundwater for year-'round domestic use and for irrigation of 74 acres in Gooding County from March 15 to November 15 with a priority date of September 18, 1952, based on a license. The Director of IDWR filed his *Director's Report, Part I, for Reporting Area 3 (Basin 36)* on November 2, 1992. The Director recommended claim 36-02178 to Salmon Falls Land & Livestock Company, Inc., 123 Bell Rapids Road, Hagerman, Idaho 83332, as filed, but for irrigation of 74 acres within a 370 acre place of use from April 1 to October 31.

The claimant filed an *Objection* on April 29, 1993, objecting to remarks and other. On April 24, 1996, former-Presiding Judge Daniel C. Hurlbutt, Jr., entered an *Order Staying Subcases* and an *Amended Order of Reference Appointing Fritz X. Haemmerle Special Master*. On May 28, 1996, Judge Hurlbutt entered an *Order Lifting Stay*. Judge Hurlbutt entered an *Amended Order or [sic] Reference Appointing Terrence A. Dolan Special Master* on March 2, 1998.

On December 30, 1998, the Special Master entered an *Order Granting Motions to File Amended Notices of Claims* allowing the claimant to amend 36-02178. Finally, on June 10, 2002, IDWR filed its *Amended Director's Report* recommending 36-02178 for irrigation of 114 acres within a 370 acre place of use from March 15 to November 15. No one objected.

CERTIFICATE OF SERVICE

I certify that on _____, 2002, I caused to be served true and correct copies of this Stipulation to Resolve Objection, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

Roger D. Ling
Ling, Nielsen & Robinson
P.O. Box 396
Rupert, ID 83350

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

John M. Marshall
Givens Pursley
P.O. Box 2720
Boise, ID 83701-2720

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Dept of Justice
Environment & Nat'l Resources
550 W. Fort St. MSC 033
Boise, ID 83724

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

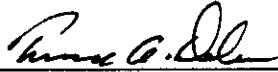
Signature of person or attorney mailing the form

STIPULATION TO RESOLVE OBJECTION

Conclusions of Law

Salmon Falls Land & Livestock Company, Inc., is entitled to a partial decree adjudicating a water right under claim 36-02178 as described in the *Amended Director's Report* and the attached *Special Master Recommendation for Partial Decree for Water Right 36-02178*.

DATED July 30, 2002.



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 36-02178

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *ML*

NAME AND ADDRESS: SALMON FALLS LAND & LIVESTOCK
123 BELL RAPIDS ROAD
HAGERMAN, ID 83332

SOURCE: GROUNDWATER

QUANTITY: 1.68 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.72 CFS AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1480 AF.
COMBINED RIGHT NOS.: 36-02166, 36-10033, AND 36-10035.
THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 09/18/1952

POINT OF DIVERSION: T07S R14E S34 SESWNW Within Gooding County
NENESW
NESESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-15	1.68 CFS
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Irrigation	Within Gooding County
	T07S R14E S34	SWNW 30.0 SENW 12.0 NESW 38.0 NWSW 40.0 SESW 40.0 SESE 20.0
	T08S R14E S03 LOT 2	(NWNW) 35.0
	LOT 4	(NWNW) 34.0
	S04	NENE 10.0
	370.0 Acres Total	
	Domestic	Within Gooding County
	T07S R14E S34	NESW

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 114 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 370 ACRES IN A SINGLE
IRRIGATION SEASON.
COMBINED RIGHT NOS.: 36-02166, 36-10033, 36-10035 & 36-15540.

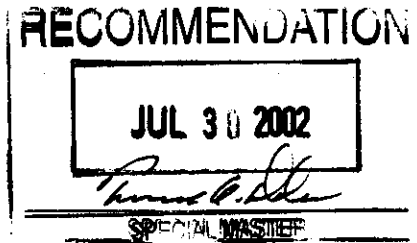
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC
USE 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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

JUL 31 2002

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DISTRICT COURT-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

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s) : 36-02178

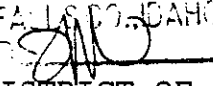

LETTIE MESSICK
Deputy Clerk

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 36-02178

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 July 30, 2002, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

SALMON FALLS LAND & LIVESTOCK
Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

CERTIFICATE OF MAILING


LETTIE MESSICK
Deputy Clerk

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