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Department of Water Resources 2002 JUN 19 PM 1:37

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 RIGHT 61-00339,
) 61-10363, 61-11844, 61-11847 and
) 61-11854
)

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.

On June 11, 1999, John McCallum filed an *Objection* in the above listed water rights.

Subsequently, the objections to these water rights were resolved by stipulation of John McCallum on behalf of Charter Mountain Ranch Inc. with *Standard Form's 5* stipulating to the elements of the water rights.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Form's 5*. IT IS RECOMMENDED that these water rights be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED June 19, 2002.


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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-00339

2002 JUN 19 PM 1:37

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

NAME AND ADDRESS: CHARTER MOUNTAIN RANCH INC
RT 1 BOX 451
GLENN'S FERRY, ID 83623

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.50 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 17.02 CFS. COMBINED RIGHT NOS.:
61-00301, 61-00332, 61-00333, 61-00334, 61-00335, 61-00336,
61-00337, 61-00338, 61-00340, 61-00343, 61-00364, 61-02008,
61-02095, 61-02199, 61-02209, 61-10363, 61-11844, 61-11847,
61-11854 & 61-11887.

PRIORITY DATE: 05/01/1875

POINT OF DIVERSION: T03S R09E S35 NWSWNE Within Elmore County
T04S R09E S10 SWNWNE
NENENW
SENENW
NWNESW
SENENE
S16

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-15	1.50 CFS

PLACE OF USE:	Irrigation	Within Elmore County
	T03S R09E S35 LOT 4 (SWSW) 10.8	LOT 3 (SESW) 4.1
	T04S R09E S02 LOT 4 (NWNW) 16.3	SWNW 22.0
	NWSW 20.0	
	S03 LOT 1 (NENE) 4.1	SWNE 3.5
	SENE 25.6	NESW 5.0
	SESW 21.2	NESE 32.2
	NWSE 26.9	SWSE 22.8
	SESE 13.2	
	S09 NENE 2.2	SESE 20.0
	S10 NENE 17.0	NWNE 20.1
	SWNE 25.5	NENW 15.0
	SWNW 11.0	SENW 17.7
	NESW 26.5	NWSW 37.0
	SWSW 34.6	SESW 38.2
	NWSE 28.0	SWSE 11.0
	S15 NENW 16.0	NWNW 32.7
	SWNW 15.2	
	S16 NENE 32.4	NWNE 11.9
	SWNE 9.8	SENE 28.0
	NENW 1.3	SENW 5.5
	NESE 2.0	
	S29 NENE 33.0	SENE 39.0
	NESE 27.0	NWSE 36.0
	SWSE 26.0	
	847.3 Acres Total	

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1368.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00301A, 61-00332,

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

61-00333, 61-00334, 61-00335, 61-00336, 61-00337, 61-00338,
61-00340, 61-00343, 61-00364, 61-02008, 61-02095A, 61-02095B,
61-02199, 61-02209A, 61-02209B, 61-10363, 61-11844, 61-11847,
61-11854 & 61-11887.

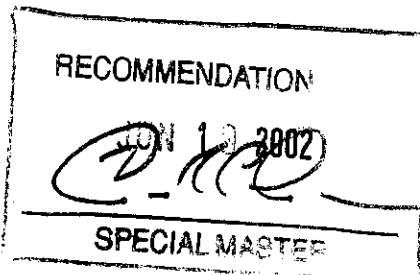
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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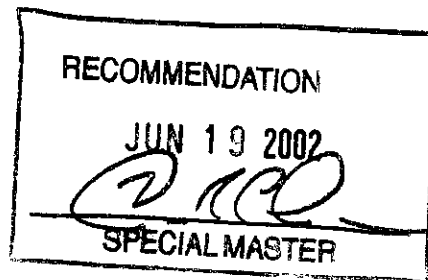
U.S. DEPT. OF JUSTICE - SRBA
FALLS CO, IDAHO
FILED

PAGE 1
Jun-17-2002

RULE 54(b) CERTIFICATE

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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 61-11854

2002 JUN 19 PM 1:37

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO
FILED

NAME AND ADDRESS: CHARTER MOUNTAIN RANCH INC
RT 1 BOX 451
GLENNS FERRY, ID 83623

SOURCE: SPRINGS TRIBUTARY: COLD SPRINGS CREEK

QUANTITY: 0.42 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.22 CFS. COMBINED RIGHT NOS.:
61-00301, 61-02095, 61-02199, 61-02209, 61-11887.

PRIORITY DATE: 04/01/1910

POINT OF DIVERSION: T04S R09E S16 SESWNE Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-15	0.42 CFS

PLACE OF USE:	Irrigation	Within Elmore County
	T04S R09E S29	NENE 33.0 SENE 39.0 NESE 27.0 SWSE 26.0
	161.0 Acres Total	

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1371.7 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00301, 61-00333,
61-00334, 61-00335, 61-00336, 61-00337, 61-00338, 61-00339,
61-00340, 61-00343, 61-00364, 61-02008, 61-02095, 61-02199,
61-02209, 61-10363, 61-11844, 61-11847, 61-00332 & 61-11887.

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

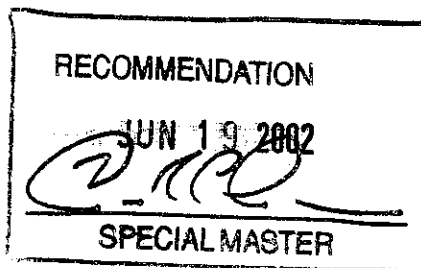
THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN
BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE. THE
FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN
BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE
NONE. ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-11844

2002 JUN 19 PM 1:38
DIST. CLERK - SRBA
TWIN FALLS CO. IDAHO
FILED

NAME AND ADDRESS: CHARTER MOUNTAIN RANCH INC
RT 1 BOX 451
GLENNS FERRY, ID 83623

SOURCE: UNNAMED STREAM TRIBUTARY: COLD SPRINGS CREEK

QUANTITY: 0.54 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.02 CFS. COMBINED RIGHT NOS.:
61-02095, 61-02199, 61-02209, 61-11887.

PRIORITY DATE: 02/15/1911

POINT OF DIVERSION: T04S R09E S03 NWNENE Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-15	0.54 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Elmore County
T04S R09E S03 NESW 4.9 SESW 21.0
NWSE 9.9 SWSE 3.8
S10 NENW 11.0
50.6 Acres Total

Stockwater Within Elmore County
T04S R09E S03 NESW SESW
NWSE SWSE
S10 NENW

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1368.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00301A, 61-00301B,
61-00333, 61-00334, 61-00335, 61-00336, 61-00337, 61-00338,
61-00339, 61-00340, 61-00343, 61-00364, 61-02008, 61-02095,
61-02199, 61-02209, 61-10363, 61-00332, 61-11847, 61-11854
& 61-11887.

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

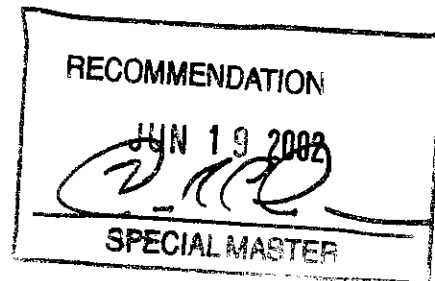
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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



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 61-11847

2002 JUN 19 PM 1:38

CLERK OF DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

NAME AND ADDRESS: CHARTER MOUNTAIN RANCH INC
RT 1 BOX 451
GLENNS FERRY, ID 83623

SOURCE: GROUNDWATER

QUANTITY: 0.60 CFS
120.00 AFY

PRIORITY DATE: 03/15/1957

POINT OF DIVERSION: T04S R09E S03 SESENE Within Elmore County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 0.60 CFS
120.00 AFY

PLACE OF USE: Irrigation Within Elmore County
T04S R09E S03 SENE 3.4 NESE 26.0
SESE 1.2
30.6 Acres Total

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1368.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00301A, 61-00333,
61-00334, 61-00335, 61-00336, 61-00337, 61-00338, 61-00339,
61-00340, 61-00343, 61-00364, 61-02008, 61-02095A, 61-02095B,
61-02199, 61-02209A, 61-02209B, 61-10363, 61-11844, 61-332,
61-11854 & 61-11887.

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
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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

JUN 19 2002

SPECIAL MASTER

2002 JUN 19 PM 1:38

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

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): 61-00339
61-10363 61-11844 61-11847
61-11854

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 June 19, 2002, with sufficient first-class postage prepaid to the following:

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

CHARTER MOUNTAIN RANCH INC
JOHN MCCALLUM

Represented by:
BRUCE M. SMITH
225 NORTH 9TH ST, STE 420
BOISE, ID 83702
Phone: 208-331-1800

[Signature]
DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
06/19/02

2002 JUN 19 PM 1:38

DEPT. OF AG. - 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

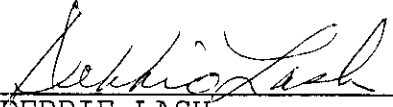
Water Right(s): 61-00339
61-10363 61-11844 61-11847
61-11854

On June 19, 2002, 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 June 19, 2002.



DEBBIE LASH
Deputy Clerk