

2002 JUN 19 PM 4:20

DISTRICT COURT - SRBA
TWIN FALLS CO., 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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS 61-00328
	)	and 61-10578
	)	
	)	

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.

These water rights were recommended as disallowed by IDWR in the Director's Report.

On June 10, 1999, John McCallum filed *Objections* in the above listed water rights. On November 27, 2001, Half Moon Ranch and Barber Caven Ranches filed a *Stipulation to Resolve Pending Objections and Motions to Participate (Stipulation)*. John McCallum on behalf of Ark Properties is also signature to the *Stipulation*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED June ____, 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

2002 JUN 19 PM 1:48

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 61-10578

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

NAME AND ADDRESS: ARK PROPERTIES LLC
RT 1 BOX 451
GLENNS FERRY, ID 83623

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.27 CFS

PRIORITY DATE: 05/01/1983

POINT OF DIVERSION: T04S R09E S32 NWSE Within Elmore County

2 POINTS OF DIVERSION LOCATED IN T04S, R09E, S32, NWSE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-15	2.27 CFS

PLACE OF USE:	Irrigation	Within Elmore County
	T04S R09E S32	SESW 11.0 SESE 27.0 S33 SWSW 2.0
	T05S R09E S04 LOT 04	(NWNW) 0.5
	S05 LOT 01	(NENE) 37.0 LOT 02 (NWNW) 18.0 SWNE 1.0 LOT 03 (NENW) 19.0 SWNW 2.0 SENW 27.0
	183.5 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 61-328 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 183.5 ACRES IN A SINGLE
IRRIGATION SEASON.

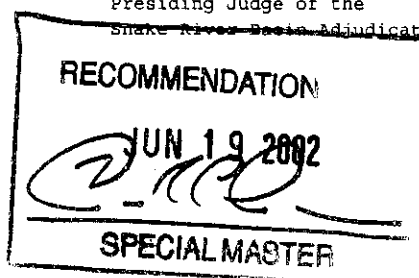
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 61-00328

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: ARK PROPERTIES LLC
RT 1 BOX 451
GLENNS FERRY, ID 83623

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.40 CFS

PRIORITY DATE: 05/01/1877

POINT OF DIVERSION: T04S R09E S32 NWSE Within Elmore County

2 POINTS OF DIVERSION LOCATED IN T04S, R09E, S32, NWSE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-15	1.40 CFS

PLACE OF USE:	Irrigation	Within Elmore County
	T04S R09E S32	SESW 11.0 SESE 27.0 S33 SWSW 2.0
	T05S R09E S04 LOT 04 (NWNW) 0.5	
	S05 LOT 01 (NENE) 37.0	LOT 02 (NWNE) 18.0 LOT 03 (NENW) 19.0
	SWNE 1.0	
	SWNW 2.0	SENW 27.0
	183.5 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 61-10578 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 183.5 ACRES IN A SINGLE
IRRIGATION SEASON.

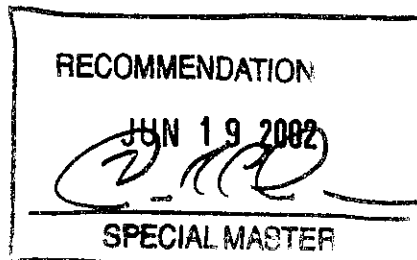
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



2002 JUN 19 PM 4:20

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 61-00328
61-10578

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

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

BARBER-CAVEN RANCHES
HALF MOON RANCH
Represented by:
CHARLES L. HONSINGER
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

CERTIFICATE OF MAILING

Debbie Lash
DEBBIE LASH
Deputy Clerk

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06/19/02

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DISTRICT COURT-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

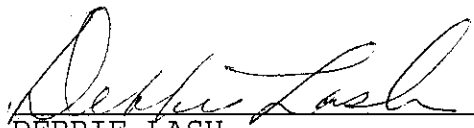
Water Right(s) : 61-00328
61-10578

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