

|                                                                                         |                                                                                              |
|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                                                                                              |
| MAR 25 2003                                                                             |                                                                                              |
| By _____                                                                                | <br>Clerk |
| _____<br>Deputy Clerk                                                                   |                                                                                              |

**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     | ) | <b>SPECIAL MASTER'S REPORT</b>  |
|                | ) |                                 |
| Case No. 39576 | ) | <b>FINDINGS OF FACT AND</b>     |
|                | ) | <b>CONCLUSIONS OF LAW</b>       |
| _____          | ) | <b>FOR WATER RIGHT 61-10718</b> |

**I. FINDINGS OF FACT**

A notice of claim was filed for this water right 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 this water right.

A ***Partial Decree*** was issued for water right 61-10718 on January 30, 1998. On May 10, 2001, Charter Mountain Ranch Inc. and Ark Properties filed a *Motion for leave to have Department of Water Resources File Amended Director's Reports* regarding season of use on multiple claims. A *Motion to Dismiss Subcase 61-10718 from the Motion for Amended Director's Reprts F/B Smith for Charter Mtn* was filed stating that subcase 61-10718 was not an irrigation claim and should not be included in the list of subcases attached to the *Motion*.

**II. CONCLUSIONS OF LAW**

Therefore, based on the file and record herein and pursuant to the *Motion to Dismiss Subcase from the Motion for Amended Director's Reports*, IT IS RECOMMENDED that the elements for water right claim 61-10718 be confirmed as set forth in the ***Partial Decree issued on January 30, 1998.***

DATED: March 25, 2003.

  
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THOMAS R. CUSHMAN  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT AND RECOMMENDATION was mailed on March 25, 2003, with sufficient first-class postage to the following:

WILBUR F WILSON RANCH  
PO BOX 33  
HAMMETT, ID 83627  
Phone: 208-366-2411

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

  
Deputy Clerk