

2002 NOV 25 PM 2 17

**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 36-00194**
) **(Salmon Falls Land & Livestock Co., Inc.)**
)
) **SPECIAL MASTER REPORT**

Findings of Fact

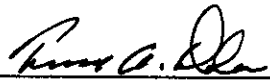
Salmon Falls Sheep Company, Inc., filed a *Notice of Claim to a Water Right* on June 16, 1988, claiming .5 cfs from Upper Tucker Spring for domestic and stockwater uses in Gooding and Twin Falls counties from November 1 to April 1 with a priority date of April 1, 1901, based on a decree. The Director of the Idaho Department of Water Resources filed his *Director's Report, Part I, for Reporting Area 3 (Basin 36)* on November 2, 1992. The Director recommended the claim as filed but to Salmon Falls Land & Livestock, 123 Bell Rapids Road, Hagerman, Idaho 83332, for year-'round domestic use and stockwater use from November 1 to April 1.

The claimant filed an *Objection* on April 29, 1993, objecting to period of year, remarks and other. On November 22, 2002, the claimant and IDWR filed a *Standard Form 5* essentially agreeing to the claim as recommended by IDWR.

Conclusions of Law

Salmon Falls Land & Livestock Company, Inc., is entitled to a partial decree adjudicating a water right under claim 36-00194 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 36-00194*.

DATED November 25, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-00194

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

SOURCE: UPPER TUCKER SPRINGS TRIBUTARY: RILEY CREEK

QUANTITY: 0.50 CFS

PRIORITY DATE: 04/01/1901

POINT OF DIVERSION: T07S R13E S36 NWSESE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	11-01 TO 04-01	0.50 CFS
	Domestic	01-01 TO 12-31	0.10 CFS

PLACE OF USE:	Stockwater		Within Gooding County
	T08S R13E S01	NWNW	
	S02	SWNE	Within Twin Falls County
	LOT 4	(NWNW)	SENE
		SENE	SNNW
		SENE	
	Domestic		Within Gooding County
	T08S R13E S01	SNNW	
	S02	SWNE	Within Twin Falls County
		SENE	SENE

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.

RECOMMENDATION

NOV 25 2002

SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 36-00194

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 November 25, 2002, with sufficient first-class postage prepaid to the following:

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

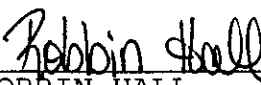
STATE OF IDAHO

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


ROBBIN HALL
Deputy Clerk

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_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 36-00194

On November 25, 2002, 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 November 25, 2002.



ROBBIN HALL
Deputy Clerk