

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2002 NOV 25 PM 2 18

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 36-02046
) (Salmon Falls Land & Livestock Co., Inc.)
)
) SPECIAL MASTER REPORT

Findings of Fact

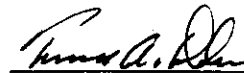
Salmon Falls Sheep Company, Inc., filed a *Notice of Claim to a Water Right* on May 13, 1988, claiming 3.5 cfs from Riley Creek for year-'round stockwater use and for irrigation of 157.5 acres in Gooding County from April 1 to October 31 with a priority date of December 1, 1939, based on a license. The 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, and only for irrigation of 157.5 acres from March 15 to November 15.

The claimant filed an *Objection* on April 29, 1993, objecting to points of diversion, remarks and other. On November 22, 2002, the claimant and IDWR filed a *Standard Form 5* agreeing to year-'round stockwater use and irrigation of 157.5 acres within a 170.4 acre place of use from February 15 to November 30.

Conclusions of Law

Salmon Falls Land & Livestock Company, Inc., is entitled to a partial decree adjudicating a water right under claim 36-02046 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 36-02046*.

DATED November 25, 2002.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02046

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

SOURCE: RILEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.50 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-00136B IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 6.60 CFS.

PRIORITY DATE: 12/01/1939

POINT OF DIVERSION: T08S R13E S01 LOT 6 (SESWNE) Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	3.50 CFS
	Stockwater	01-01 TO 12-31	0.30 CFS

PLACE OF USE:	Irrigation	Within Twin Falls County
	T08S R13E S01 LOT 5 (SWNW) 2.9	NWSW 8.1
	S02 SWNE 17.0	SENE 22.0
	LOT 4 (NWNW) 0.3	SWNW 37.0
	SENE 24.0	NWSW 2.5
	NESE 5.2	
	S03 LOT 1 (NENE) 5.5	SWNE 1.9
	SENE 39.0	NESE 5.0
	170.4 Acres Total	
	Stockwater	Within Twin Falls County
	T08S R13E S02 SWNE	SENE
	LOT 4 (NWNW)	SWNW
	SENE	

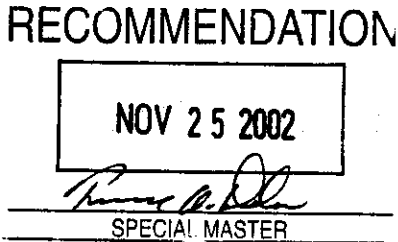
USE OF THIS RIGHT WITH RIGHT NO. 36-00136B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 170.4 ACRES IN A SINGLE
IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 157.5 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-02046

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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11/25/02

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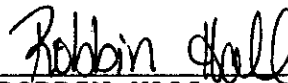
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION)
Water Right(s): 36-02046

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