

2008 AUG 20 AM 10:43

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	)	Subcases 75-4027 and 75-10332
	)	(Salmon River Properties, Inc.)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended the claims, filed by Salmon River Properties, Inc., Box 4495, Chatsworth, California, 91313, be disallowed: "No beneficial use found" and "No lawful appropriation shown."

Ward M. Whitmore filed *Objections* on July 16, 2007, objecting to quantity and place of use. The claimant and Mr. Whitmore, with IDWR's concurrence, filed *Standard Forms 5* on August 4, 2008, agreeing to .85 cfs and .07 cfs from Deer Creek and Rattlesnake Creek to irrigate 26.7 acres and 2.3 acres in Lemhi County from April 1 to October 31 with priority dates of June 6, 1927, and April 1, 1923, based on beneficial use.

Conclusions of Law

Salmon River Properties, Inc., is entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-4027 and 75-10332*.

DATED August 20, 2008.


TERRENCE A. DOLAN
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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 75-04027

NAME AND ADDRESS: SALMON RIVER PROPERTIES INC
BOX 4495
CHATSWORTH, CA 91313

SOURCE: DEER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.85 CFS

PRIORITY DATE: 06/06/1927

POINT OF DIVERSION: T19N R21E S32 SWSWNE Within Lemhi County
NENWSE
NWSESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.85 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T18N R21E S04 LOT 1 (NWNW) 1.3	
	S05 LOT 1 (NENE) 0.1	
	T19N R21E S32 NESE 1.1	NWSE 7.7
	SWSE 0.2	SESE 14.0
	S33 SWSW 2.3	
	26.7 Acres Total	

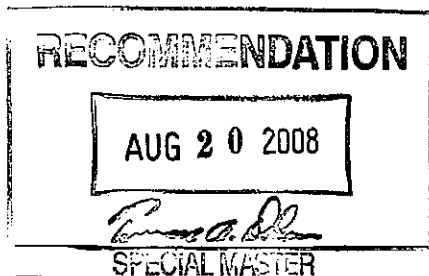
Place of use does not include federal public lands.

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.



John M. Melanson
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 75-10332

NAME AND ADDRESS: SALMON RIVER PROPERTIES INC
BOX 4495
CHATSWORTH, CA 91313

SOURCE: RATTLESNAKE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.07 CFS

PRIORITY DATE: 04/01/1923

POINT OF DIVERSION: T19N R21E S21 SESW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.07 CFS

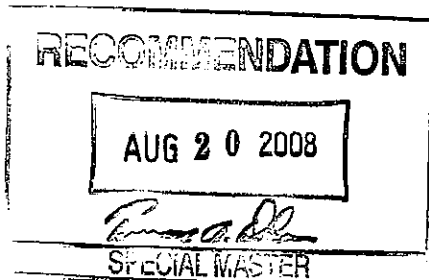
PLACE OF USE: Irrigation Within Lemhi County
T19N R21E S27 NWSW 0.4 SWSW 0.2
LOT 7 (SESW) 1.7
2.3 Acres Total

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
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John M. Melanson
Presiding Judge of the
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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

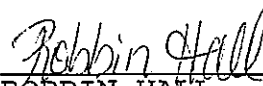
Water Right(s): 75-04027
75-10332

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 August 20, 2008, with sufficient first-class postage prepaid to the following:

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

SALMON RIVER PROPERTIES INC
WARD M WHITMORE
Represented by:
JORDAN P. SMITH
807 MAIN ST
SALMON, ID 83467
Phone: 208-756-2257


ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

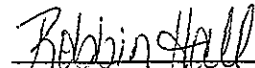
Water Right(s): 75-04027
75-10332

On August 20, 2008, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 August 20, 2008.


ROBBIN HALL
Deputy Clerk