

RECEIVED
APR 27 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
APR 24 2009
By _____ Clerk
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) Subcase 75-4108
Case No. 39576) (Pope Ditch Co.)
_____)
SPECIAL MASTER REPORT

Findings of Fact

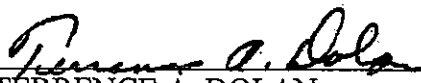
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended the claim to the Pope Ditch Company, c/o Terri J. Morton, P.O. Box 601, Salmon, Idaho, 83467, for 56.8 cfs from the Salmon River for year-'round stockwater use and to irrigate 1,135 acres in Lemhi County from April 1 to October 31 with a priority date of December 31, 1883, based on beneficial use.

Michael J. Tyacke was granted leave to file a late *Objection* on December 17, 2008, objecting to quantity and place of use. On April 22, 2009, the Pope Ditch Company and Mr. Tyacke, with IDWR's concurrence, filed a *Standard Form 5*.

Conclusions of Law

The Pope Ditch Company is entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 75-4108*.

DATED April 24, 2009.

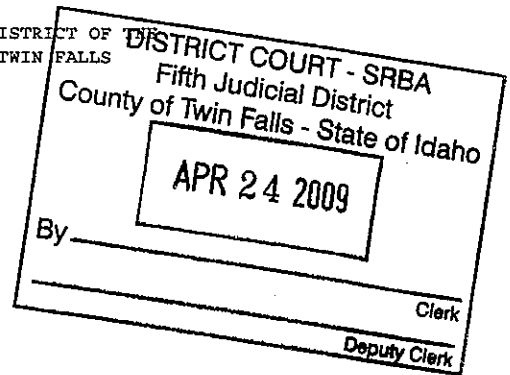

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 75-04108



NAME AND ADDRESS: POPE DITCH CO
C/O TERRI J MORTON SEC
PO BOX 601
SALMON, ID 83467

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 56.80 CFS

PRIORITY DATE: 12/31/1883

POINT OF DIVERSION: T20N R22E S06 LOT 14 (SESE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	56.80 CFS
	Stockwater	01-01 TO 12-31	0.23 CFS

PLACE OF USE:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary. This right is limited to the irrigation of 1135 acres within the place of use described above in a single irrigation season. Place of use is within the area served by the Pope Ditch Company.

1135 ACRES TOTAL

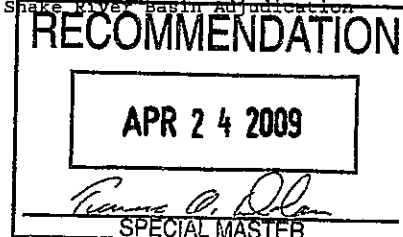
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT 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





Pope Ditch Co

SRBA Recommendation: 75-4108

Service Area Boundary
GIS Place of Use Illustration

Legend

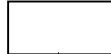
Service Area



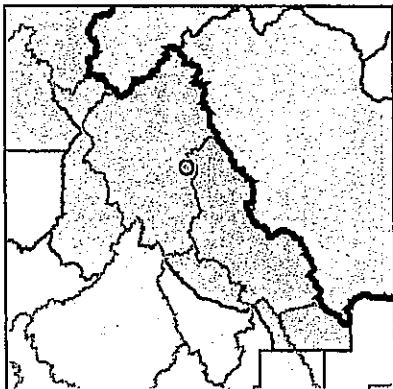
Townships



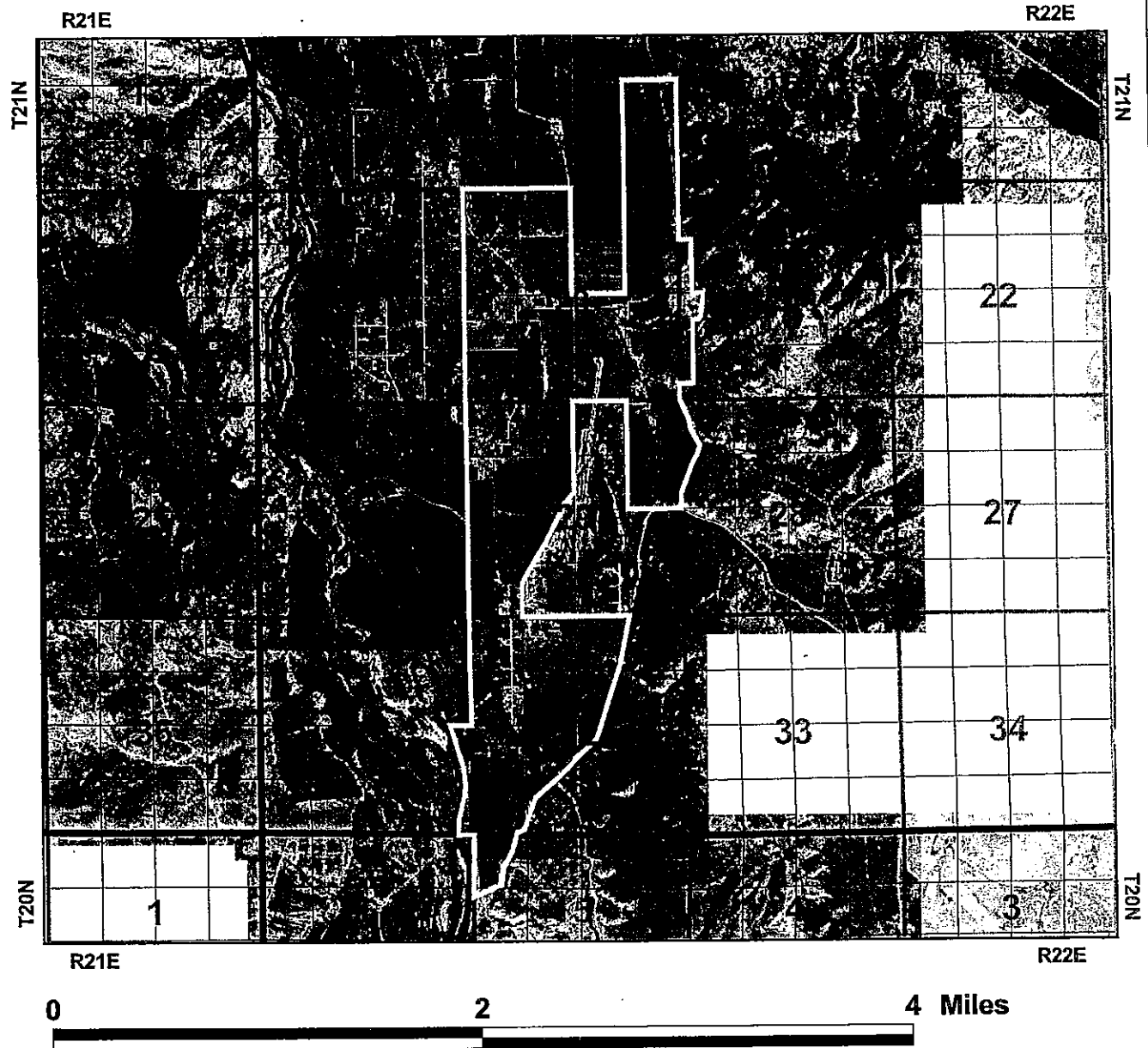
PLS Sections



Quarter Quarters



Lemhi County
IDWR Basin 75



Prepared by D. Favreau
On Thursday, December 21, 2006
2004 Aerial Photography

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Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR 24 2009	
By _____	Clerk
_____	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)
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Case No. 39576)
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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

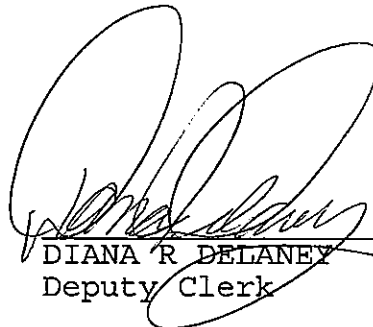
Water Right(s): 75-04108

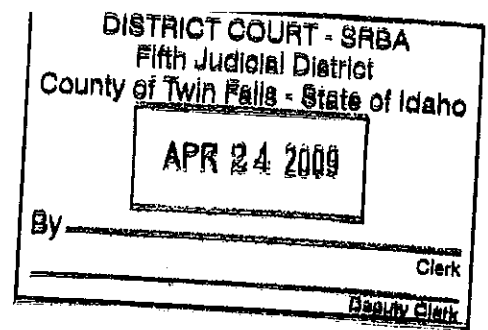
On April 24, 2009, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 April 24, 2009.


DIANA R DELANEY
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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 75-04108

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 April 24, 2009, with sufficient first-class postage prepaid to the following:

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

STAN JENSEN
(COURTESY COPY)
16 HYDE LANE
SALMON, ID 83467

POPE DITCH CO
C/O TERRI J MORTON SEC
PO BOX 601
SALMON, ID 83467

MICHAEL J. TYACKE
PO BOX 2156
IDAHO FALLS, ID 83403
Phone: 208-529-3227

CERTIFICATE OF MAILING

DIANA R DELANEY
Deputy Clerk

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04/24/09