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Department of Water Resources

2002 SEP -5 PM 2: 46

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

Case No. 39576

)  
) ORDER OF PARTIAL DECREE  
)  
) For Water Right 61-00339, 61-10363,  
) 61-11844, 61-11847 and 61-11854

On June 19, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 61-00339, 61-10363, 61-11844, 61-11847 and 61-11854 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED September 5, 2002



ROGER S. BURDICK  
Presiding Judge  
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 61-00339

2022 SEP -5 PM 2:46

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: CHARTER MOUNTAIN RANCH INC  
RT 1 BOX 451  
GLENN'S FERRY, ID 83623

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.50 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 17.02 CFS. COMBINED RIGHT NOS.:  
61-00301, 61-00332, 61-00333, 61-00334, 61-00335, 61-00336,  
61-00337, 61-00338, 61-00340, 61-00343, 61-00364, 61-02008,  
61-02095, 61-02199, 61-02209, 61-10363, 61-11844, 61-11847,  
61-11854 & 61-11887.

PRIORITY DATE: 05/01/1875

POINT OF DIVERSION: T03S R09E S35 NWSWNE Within Elmore County  
T04S R09E S10 SWNWNE  
NENENW  
SENENW  
NWNESW  
S16 SENENE

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation 02-15 TO 11-15 1.50 CFS

PLACE OF USE: Irrigation Within Elmore County  
T03S R09E S35 LOT 4 (SWSW) 10.8 LOT 3 (SESW) 4.1  
T04S R09E S02 LOT 4 (NWNW) 16.3 SWNW 22.0  
NWSW 20.0  
S03 LOT 1 (NENE) 4.1 SWNE 3.5  
SENE 25.6 NESW 5.0  
SESW 21.2 NESE 32.2  
NWSE 26.9 SWSE 22.8  
SESE 13.2  
S09 NENE 2.2 SESE 20.0  
S10 NENE 17.0 NWNW 20.1  
SWNE 25.5 NENW 15.0  
SWNW 11.0 SENW 17.7  
NESW 26.5 NWSW 37.0  
SWSW 34.6 SESW 38.2  
NWSE 28.0 SWSE 11.0  
S15 NENW 16.0 NWNW 32.7  
SWNW 15.2  
S16 NENE 32.4 NWNW 11.9  
SWNE 9.8 SENE 28.0  
NENW 1.3 SENW 5.5  
NESE 2.0  
S29 NENE 33.0 SENE 39.0  
NESE 27.0 NWSE 36.0  
SWSE 26.0  
847.3 Acres Total

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 1368.0 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00301A, 61-00332,

PLACE OF USE (continued)

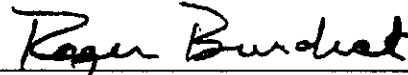
61-00333, 61-00334, 61-00335, 61-00336, 61-00337, 61-00338,  
61-00340, 61-00343, 61-00364, 61-02008, 61-02095A, 61-02095B,  
61-02199, 61-02209A, 61-02209B, 61-10363, 61-11844, 61-11847,  
61-11854 & 61-11887.

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

|                |   |                            |
|----------------|---|----------------------------|
| In Re SRBA     | ) | PARTIAL DECREE PURSUANT TO |
|                | ) | I.R.C.P. 54(b) FOR         |
| Case No. 39576 | ) |                            |
|                | ) | Water Right 61-10363       |

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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Jun-17-2002

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.

A handwritten signature in black ink, reading "Roger Burdick", is written over a horizontal line.

Roger Burdick  
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 61-11844

2002 SEP -5 PM 2:46  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: CHARTER MOUNTAIN RANCH INC  
RT 1 BOX 451  
GLENN'S FERRY, ID 83623

SOURCE: UNNAMED STREAM TRIBUTARY: COLD SPRINGS CREEK

QUANTITY: 0.54 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE  
SHALL NOT EXCEED 13,000 GALLONS PER DAY.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 1.02 CFS. COMBINED RIGHT NOS.:  
61-02095, 61-02199, 61-02209, 61-11887.

PRIORITY DATE: 02/15/1911

POINT OF DIVERSION: T04S R09E S03 NWNENE Within Elmore County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 02-15 TO 11-15 | 0.54 CFS |
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Irrigation Within Elmore County  
T04S R09E S03 NESW 4.9 SESW 21.0  
NWSE 9.9 SWSE 3.8  
S10 NENW 11.0  
50.6 Acres Total

| Stockwater         | Within Elmore County |
|--------------------|----------------------|
| T04S R09E S03 NESW | SESW                 |
| NWSE               | SWSE                 |
| S10 NENW           |                      |

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 1368.0 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00301A, 61-00301B,  
61-00333, 61-00334, 61-00335, 61-00336, 61-00337, 61-00338,  
61-00339, 61-00340, 61-00343, 61-00364, 61-02008, 61-02095,  
61-02199, 61-02209, 61-10363, 61-00332, 61-11847, 61-11854  
& 61-11887.

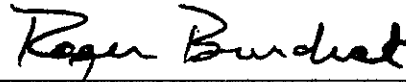
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR  
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL  
USE.

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.



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Roger Burdick  
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 )  
Case No. 39576 )  
\_\_\_\_\_ )

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

Water Right 61-11847

202 SEP -5 PM 2:46

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

NAME AND ADDRESS: CHARTER MOUNTAIN RANCH INC  
RT 1 BOX 451  
GLENN'S FERRY, ID 83623

SOURCE: GROUNDWATER

QUANTITY: 0.60 CFS  
120.00 APY

PRIORITY DATE: 03/15/1957

POINT OF DIVERSION: T04S R09E S03 SESENE Within Elmore County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|----------------------------|----------------|----------------|------------------------|
|                            | Irrigation     | 03-15 TO 11-15 | 0.60 CFS<br>120.00 APY |

| PLACE OF USE: | Irrigation    | Within Elmore County                     |
|---------------|---------------|------------------------------------------|
|               | T04S R09E S03 | SENE 3.4<br>SESE 1.2<br>30.6 Acres Total |

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 1368.0 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00301A, 61-00333,  
61-00334, 61-00335, 61-00336, 61-00337, 61-00338, 61-00339,  
61-00340, 61-00343, 61-00364, 61-02008, 61-02095A, 61-02095B,  
61-02199, 61-02209A, 61-02209B, 61-10363, 61-11844, 61-332,  
61-11854 & 61-11887.

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*

Roger Burdick  
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 )

Case No. 39576 )

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

Water Right 61-11854

2002 SEP -5 PM 2:46

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: CHARTER MOUNTAIN RANCH INC  
RT 1 BOX 451  
GLENN'S FERRY, ID 83623

SOURCE: SPRINGS

TRIBUTARY: COLD SPRINGS CREEK

QUANTITY: 0.42 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 3.22 CFS. COMBINED RIGHT NOS.:  
61-00301, 61-02095, 61-02199, 61-02209, 61-11887.

PRIORITY DATE: 04/01/1910

POINT OF DIVERSION: T04S R09E S16 SESWNE Within Elmore County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE  
Irrigation

PERIOD OF USE  
02-15 TO 11-15

QUANTITY  
0.42 CFS

PLACE OF USE:

Irrigation

Within Elmore County

T04S R09E S29

NENE 33.0

SENE 39.0

NESE 27.0

NWSE 36.0

SWSE 26.0

161.0 Acres Total

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 1371.7 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00301, 61-00333,  
61-00334, 61-00335, 61-00336, 61-00337, 61-00338, 61-00339,  
61-00340, 61-00343, 61-00364, 61-02008, 61-02095, 61-02199,  
61-02209, 61-10363, 61-11844, 61-11847, 61-00332 & 61-11887.

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN  
BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER  
RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE. THE  
FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN  
BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER  
RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE  
NONE. ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES  
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED  
CONJUNCTIVELY.

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).

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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on September 05, 2002, with sufficient first-class postage to the following:

CHARTER MOUNTAIN RANCH INC  
JOHN MCCALLUM

Represented by:  
BRUCE M. SMITH  
225 NORTH 9TH ST, STE 420  
BOISE, ID 83702  
Phone: 208-331-1800

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

  
Robbin Glatz