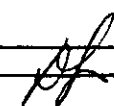


DISTRICT COURT  
 Fifth Judicial District  
 County of Twin Falls - State of Idaho  
 JUN 29 2004  
 By  Clerk  
 Deputy Clerk

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     | ) | SPECIAL MASTER'S REPORT                  |
|                | ) |                                          |
|                | ) | FINDINGS OF FACT AND                     |
|                | ) | CONCLUSIONS OF LAW                       |
|                | ) |                                          |
| Case No. 39576 | ) | Subcases 65-01151, 65-01317, 65-2138,    |
|                | ) | 65-2532A, 65-02540, 65-02869, 65-03803B, |
|                | ) | 65-07833, 65-10747, 65-10748, 65-10749,  |
|                | ) | 65-11393A and 65-12751                   |

**I. FINDINGS OF FACT**

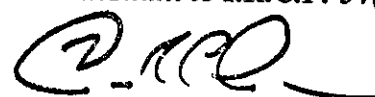
A notice of claim was filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

These subcases were not objected to but overlapped with subcase 65-3103 which was objected to by the United States of America, Bureau of Land Management and George Dovel. A *Notice of Completed Administrative Proceeding* was filed May 26, 2004, in subcases 65-01151, 65-01317, 65-2138, 65-2532A, 65-02540, 65-02869, 65-10747, 65-10748, 65-10749 and 65-11393A.

**II. CONCLUSIONS OF LAW**

Therefore, based on the file and record herein and pursuant to the *Notice of Administrative Proceeding*, IT IS RECOMMENDED that water rights 65-01151, 65-01317, 65-2138, 65-2532A, 65-02540, 65-02869, 65-10747, 65-10748, 65-10749 and 65-11393A be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER RECOMMENDED that water rights 65-03803B, 65-07833, and 65-12751 be decreed as recommended in the *Director's Report* and the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated June 21, 2004.

  
 THOMAS R. CUSHMAN  
 Special Master  
 Snake River Basin Adjudication

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

JUN 29 2004

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     | ) | SUBCASES: 65-01151, 65-01317, 65-2138,   |
|                | ) | 65-2532A, 65-02540, 65-02869, 65-03803B, |
|                | ) | 65-07833, 65-10747, 65-10748, 65-10749,  |
|                | ) | 65-11393A and 65-12751                   |
| Case No. 39576 | ) |                                          |
|                | ) | <b>CERTIFICATE OF MAILING</b>            |

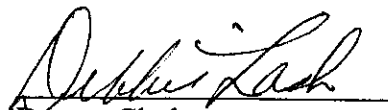
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT AND RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER' REPORT AND RECOMMENDATION were mailed June 29, 2004, with sufficient first-class postage prepaid to the following:

Director of IDWR  
P O Box 83720  
Boise, Idaho 83720-0098

United States of America  
USDI BLM  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

Jack Riddlemoser  
1905 Garrison Lane  
Kuna, Idaho 83634

DR & J Investments Limited PA  
8973 W State St  
Boise, Idaho 83703-1729

  
Deputy Clerk

JUN 29 2004

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

Case No. 39576

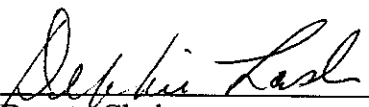
) SUBCASES: 65-01151, 65-01317, 65-2138,  
) 65-2532A, 65-02540, 65-02869, 65-03803B,  
) 65-07833, 65-10747, 65-10748, 65-10749,  
) 65-11393A and 65-12751

) NOTICE OF ISSUANCE

On June 29, 2004, special Master THOMAS R. CUSHMAN issued a **SPECIAL MASTER'S REPORT AND RECOMMENDATION** for the above subcase(s) pursuant to **SRBA Administrative Order 1 (AOI)**, 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 by the 28th day of the month following the publication of the filing of the **Special Master's Report and Recommendation** in the Docket Sheet (**AOI**, Section 13a).

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the **Special Master's Report and Recommendation** shall constitute a waiver of the right to challenge it before the Presiding Judge.

  
Deputy Clerk

JUN 29 2004

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 65-07833

By \_\_\_\_\_ Clerk  
Deputy Clerk

NAME AND ADDRESS: D R & J INVESTMENTS LIMITED PA  
8973 W STATE ST  
BOISE, ID 83703-1729

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.59 CFS  
495.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 65-03803B IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 0.02 CFS AND TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 4.5 AF.

PRIORITY DATE: 04/23/1977

POINT OF DIVERSION: T07N R02E S02 LOT 6 (NESW ) Within Boise County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 03-15 TO 10-31 | 1.59 CFS<br>495.00 AFY |

| PLACE OF USE: | Irrigation        | Within Boise County |
|---------------|-------------------|---------------------|
|               | T07N R02E S01     | NWNW 2.0            |
|               | S02 LOT 1         | (NENE) 2.0          |
|               |                   | SENE 40.0           |
|               |                   | NWSE 20.0           |
|               | 110.0 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

RECOMMENDATION

JUN 29 2004

SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 65-07833 File Number: 00494

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Jun-21-2004