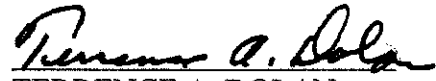


|                       |   |                              |
|-----------------------|---|------------------------------|
| <b>In Re SRBA</b>     | ) | <b>Subcase 35-09040</b>      |
|                       | ) | <b>(USDI/BLM)</b>            |
| <b>Case No. 39576</b> | ) |                              |
|                       | ) | <b>AMENDED</b>               |
|                       | ) | <b>SPECIAL MASTER REPORT</b> |

## 1



DATED May 18, 2005

A handwritten signature in black ink, appearing to read "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath it.

TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

James A. [unclear]

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 35-09040

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED  
2005 MAY 18 AM 9 55

NAME AND ADDRESS: USDI BLM  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE, ID 83709

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS  
6.70 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 05/28/1982

POINT OF DIVERSION: T01N R28E S03 SESW Within Butte County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
| Wildlife                      |                | 01-01 TO 12-31 | 0.02 CFS |
|                               |                |                | 6.70 AFY |
| Stockwater                    |                | 04-21 TO 07-15 | 0.04 CFS |
|                               |                |                | 6.70 AFY |

| PLACE OF USE: | Stockwater                 | Within Butte County |
|---------------|----------------------------|---------------------|
|               | T01N R26E S01 LOT 2 (SWNE) | LOT 1 (SENE)        |
|               | R27E S10                   | NWSE                |
|               |                            | SESE                |
|               | S15                        | NWSW                |
|               |                            | SESW                |
|               |                            | NWSE                |
|               |                            | SESE                |
|               | S22                        | NWNE                |
|               |                            | SENE                |
|               | S28                        | NWNE                |
|               |                            | SENE                |
|               | S34                        | NWSW                |
|               |                            | SESW                |
|               | S35                        | NWSE                |
|               |                            | SESE                |
|               | R28E S07                   | NWSE                |
|               |                            | SESE                |
|               | S08                        | NWSE                |
|               |                            | SESE                |
|               | S10                        | NWSE                |
|               |                            | SESE                |
|               | S19                        | NWSE                |
|               |                            | SESE                |
|               | S22                        | NWSE                |
|               |                            | SESE                |
|               | S29                        | NWSE                |
|               |                            | SESE                |
|               | S30                        | NWSE                |
|               |                            | SESE                |
|               | S32                        | NWSE                |
|               |                            | SESE                |
|               | S34                        | NWSE                |
|               |                            | SESE                |

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

| T01S R28E S05 LOT 4 | (SWNW) | LOT 3 | (SENW)               |
|---------------------|--------|-------|----------------------|
| S21                 | NESE   |       | NWSE                 |
|                     | SWSE   |       | SESE                 |
| S22                 | NENW   |       | NWNW                 |
|                     | SWNW   |       | SENW                 |
|                     | NESW   |       | NWSW                 |
|                     | SWSW   |       | SESW                 |
| S24                 | NESE   |       | NWSE                 |
|                     | SWSE   |       | SESE                 |
| S25                 | NENE   |       | NWNE                 |
|                     | SWNE   |       | SENE                 |
|                     | NESE   |       | NWSE                 |
|                     | SWSE   |       | SESE                 |
| S33                 | NENE   |       | NWNE                 |
|                     | SWNE   |       | SENE                 |
|                     | NESW   |       | NWSW                 |
|                     | SWSW   |       | SESW                 |
| S34                 | NENE   |       | NWNE                 |
|                     | SWNE   |       | SENE                 |
|                     |        |       | Within Blaine County |
| T02S R28E S02       | NESE   |       | NWSE                 |
|                     | SWSE   |       | SESE                 |
| S14                 | NENW   |       | NWNW                 |
|                     | SWNW   |       | SENW                 |
| Wildlife            |        |       | Within Butte County  |
| Same as Stockwater  |        |       | Within Blaine County |
| Same as Stockwater  |        |       |                      |

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

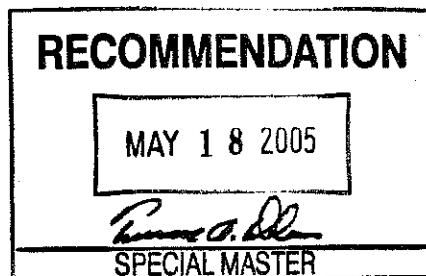
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.  
 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE 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.

AMENDED

John M. Melanson  
 Presiding Judge of the  
 Snake River Basin Adjudication



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

2005 MAY 18 AM 9 56

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): 35-09040

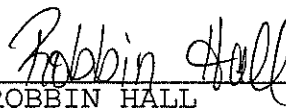
CERTIFICATE OF MAILING

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 May 18, 2005, with sufficient first-class postage prepaid to the following:

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

USDI BLM

Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
05/18/05



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

2005 MAY 18 AM 9 56

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 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

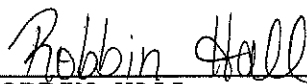
Water Right(s): 35-09040

On May 18, 2005, 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 May 18, 2005.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

