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CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2007 FEB 1 PM 3 22

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)
SPECIAL MASTER'S REPORT
FINDINGS OF FACT AND CONCLUSIONS
OF LAW
FOR WATER RIGHT 63-05386

I. FINDINGS OF FACT

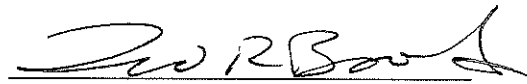
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this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

On April 21, 2006, Bob Taunton of Avimor LLC, through their attorney Albert Barker, filed an objection to the *Director's Report*, asserting that the ownership and the priority date were incorrectly recommended. On January 23, 2007, the parties the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection¹. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water right 63-05386 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated February 1, 2007.


Theodore R. Booth
Special Master
Snake River Basin Adjudication

¹ The *Standard Form 5* filed January 23, 2007, contained an error in the irrigation quantity under the "period and purpose of use" element. A substitute corrected page, initialed by the parties, was emailed to the Court on January 31, 2007.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-05386

2007 FEB 1 PM 3 22

NAME AND ADDRESS: FIRST AMERICAN TITLE INSURANCE
TRUST N08562
FOR BENEFIT OF SUNCOR IDAHO
485 E RIVERSIDE DR
EAGLE, ID 83616

SOURCE: SPRING VALLEY CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 1.88 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 03/15/1894

POINT OF DIVERSION: T05N R02E S07 SESESE Within Ada County
S18 NENWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.86 CFS
	Stockwater	02-01 TO 12-01	0.02 CFS

Stockwater use is for 400 range cattle.

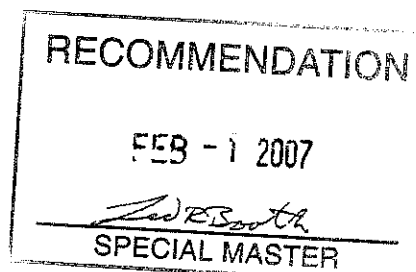
PLACE OF USE:	Irrigation		Within Ada County
	T05N R02E S18	NENE 3.0	NWNE 13.0
		SWNE 25.0	NENW 1.0
		SENE 8.0	NESW 12.0
		SESW 5.0	NWSE 18.0
		SWSE 8.0	
	93.0 Acres Total		

Stockwater	Within Ada County
Same as Irrigation	

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).



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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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 FEB 1 PM 3 22

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

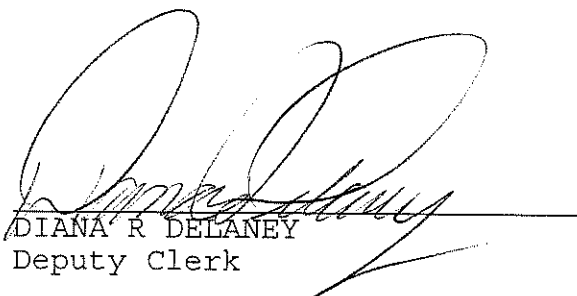
Water Right(s): 63-05386

On February 01, 2007, Special Master THEODORE R. BOOTH 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 February 01, 2007.


DIANA R DELANEY
Deputy Clerk

2007 FEB 1 PM 3 22
TWIN FALLS CO., IDAHO
FILED

2007 FEB 1 PM 3 22

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 63-05386

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 February 01, 2007, with sufficient first-class postage prepaid to the following:

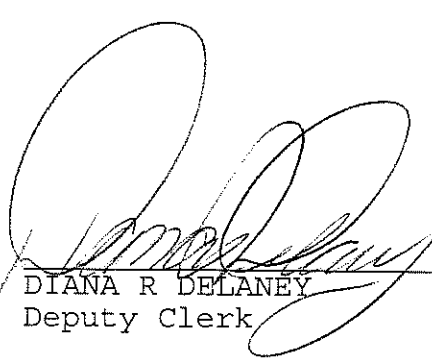
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

AVIMOR LLC

Represented by:
ALBERT P. BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

FIRST AMERICAN TITLE INSURANCE
TRUST N08562
FOR BENEFIT OF SUNCOR IDAHO
485 E RIVERSIDE DR
EAGLE, ID 83616

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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02/01/07

COANNED

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