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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
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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
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-32657,
) 63-32658, and 63-15170

I. FINDINGS OF FACT

A Notice of Claim was filed for water right 63-15170 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 the water right.

On April 20, 2006, the United States of America, Department of Interior, Bureau of Land Management, filed an objection to the *Director's Report*, asserting that the place of use not include federal public land. On June 1, 2006, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

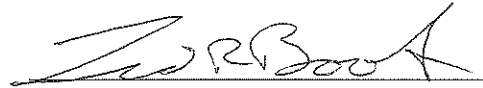
On September 6, 2006, this Special Master issued an ***Order for Additional Briefing and Order Requesting 706 Report from IDWR***, which raised some concerns regarding the relationship between the previously issued license which encompassed a portion of the place of use for the beneficial use claim. These concerns were ultimately resolved through a decision by Judge Melanson that dealt with a similar issue in subcase 45-13970. ***See Order Granting Motion to File Late Notice of Claim (McCain Foods USA, Inc.)*** March 2, 2007.

On May 7, 2007, IDWR filed a *Notice of Completed Administrative Proceeding*, which split water right 63-15170 into 63-32657 and 63-32658.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-32657 and 63-32658 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 a final order be issued disallowing water right number 63-15170.

Dated July 11, 2007



Theodore R. Booth
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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-32657

NAME AND ADDRESS: PEGGY J BUCHANAN
16335 HORSESHOE BEND RD
BOISE, ID 83714

DENNIS K (DENNY) BUCHANAN
16335 N HORSESHOE BEND RD
BOISE, ID 83714

DONNA J BUCHANAN
WARREN B BUCHANAN JR
16601 HWY 55
BOISE, ID 83714

SOURCE: SPRING VALLEY CREEK TRIBUTARY: DRY CREEK

QUANTITY: 0.77 CFS

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

PRIORITY DATE: 04/01/1900

POINT OF DIVERSION: T05N R01E S24 NWSE Within Ada County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.72 CFS
	Stockwater	01-01 TO 12-31	0.05 CFS

PLACE OF USE: Irrigation Within Ada County
T05N R01E S26 NENE 16.0 SWNE 4.0
SENE 9.0 NWSE 6.0
SWSE 1.0
36.0 Acres Total

Stockwater Within Ada County
T05N R01E S26 NENE SWNE
SENE NWSE
SWSE

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

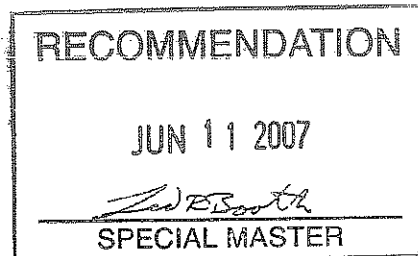
The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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.

John M. Melanson
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 63-32658

NAME AND ADDRESS: DBSI BUCK 278, LLC
372 S EAGLE RD STE 375
EAGLE, ID 83616

SOURCE: SPRING VALLEY CREEK TRIBUTARY: DRY CREEK

QUANTITY: 0.34 CFS

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

PRIORITY DATE: 04/01/1900

POINT OF DIVERSION: T05N R01E S24 NWSE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.32 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Ada County
T05N R01E S24 SWSW 5.0
S25 NWNW 6.0
S26 NENE 5.0
16.0 Acres Total

Stockwater Within Ada County
T05N R01E S24 SWSW
S25 NWNW
S26 NENE

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

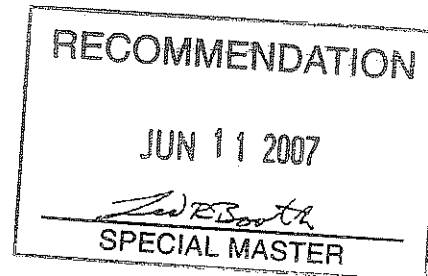
The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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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John M. Melanson
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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

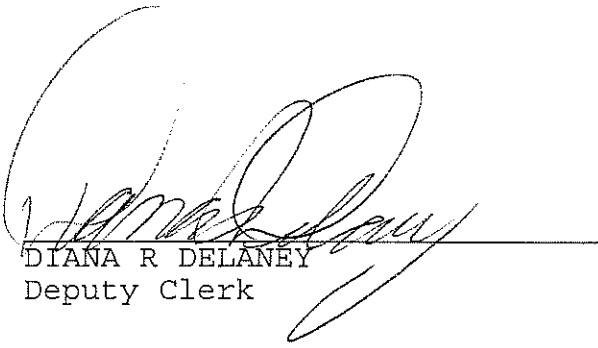
Water Right(s): 63-15170
63-32657 63-32658

On July 11, 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 July 11, 2007.


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): 63-15170
63-32657 63-32658

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 July 11, 2007, with sufficient first-class postage prepaid to the following:

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

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

PEGGY J BUCHANAN
16335 HORSESHOE BEND RD
BOISE, ID 83714
Phone: 208-939-6745

CERTIFICATE OF MAILING

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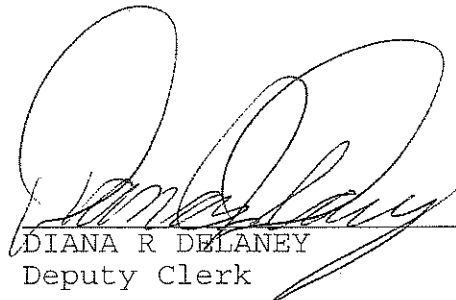
DENNIS K (DENNY) BUCHANAN
16335 N HORSESHOE BEND RD
BOISE, ID 83714
Phone: 208-939-6745

DONNA J BUCHANAN
WARREN B BUCHANAN JR
16601 HWY 55
BOISE, ID 83703
Phone: 208-939-6275

DONNA J BUCHANAN
WARREN B BUCHANAN JR
16601 HWY 55
BOISE, ID 83714

DBSI BUCK 278, LLC
372 S EAGLE RD STE 375
EAGLE, ID 83616

DBSI BUCK 278, LLC
372 S EAGLE ROAD
EAGLE, ID 83616
Phone: 208-472-0300



DIANA R DELANEY
Deputy Clerk