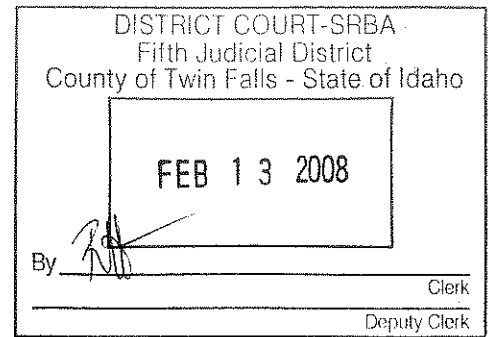




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) Subcase 74-1031
Case No. 39576) (Capps)
)
) ORDER DISMISSING OBJECTION and
) SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended the claim to Mina and Royden Capps, Box 45, Lemhi, Idaho, 83465, for .44 cfs from Basin Creek to irrigate 22 acres in Lemhi County from March 15 to November 15 with a priority date of April 1, 1927, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on June 29, 2006, objecting to place of use. The State of Idaho, Department of Lands filed an *Objection* on June 30, 2006, also objecting to place of use. IDWR filed a *Notice of Completed Administrative Proceeding* on December 31, 2007, for a transfer in place of use.

On January 3, 2008, the United States filed a *Notice of Voluntary Dismissal of Objection* and on January 3, 2008, the Special Master entered an *Order Dismissing Objection*. On February 6, 2008, the State filed a *Notice of Withdrawal of Objection*.

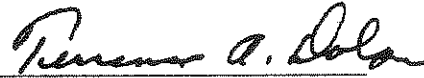
Order

THEREFORE, IT IS ORDERED that the State's *Objection* in subcase 74-1031 is **dismissed** with prejudice.

Conclusions of Law

Mina and Royden Capps are entitled to a partial decree adjudicating a water right as described in the *NCAP* and the attached *Special Master Recommendation for Partial Decree for Water Right 74-1031*.

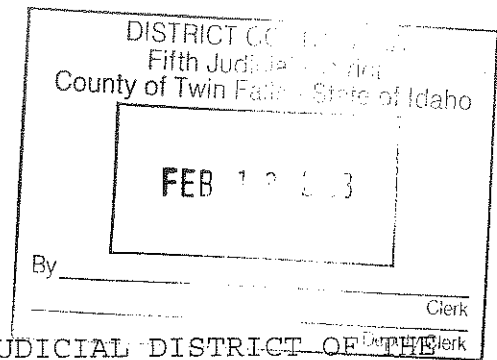
DATED February 13, 2008.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-01031

PAGE 1
Feb-12-2008



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

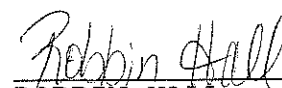
Water Right(s): 74-01031

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 13, 2008, with sufficient first-class postage prepaid to the following:

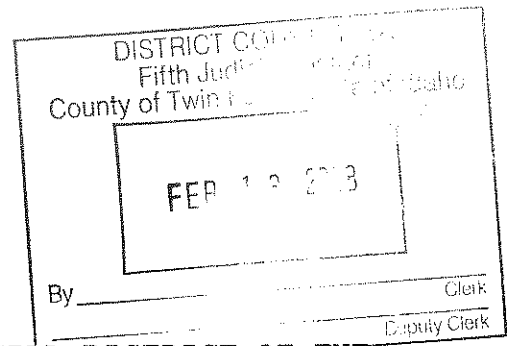
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MINA R CAPPS
ROYDEN O CAPPS
BOX 45
LEMHI, ID 83465
Phone: 208-756-6195


ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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02/13/08



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

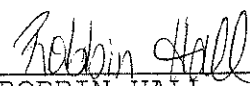
Water Right(s): 74-01031

On February 13, 2008, 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 February 13, 2008.



ROBBIN HALL
Deputy Clerk