

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 15 2008	
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 AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
_____	)	FOR WATER RIGHT: 21-13013

I. FINDINGS OF FACT

A notice of claim was filed for this water right 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 for the elements of this water right.

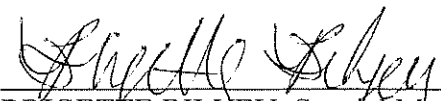
An *Objection* was filed by RLF I LLC, RLF II LLC, RLF III LLC, and RLF IV LLC on February 16, 2006. The *Objection* was resolved on November 16, 2006 with the filing of a *Standard Form 5*.

After the *Standard Form 5* was filed, however, a *Motion to File Late Objection* was filed on behalf of Robert E. and Donna T. Fuchs on June 27, 2007. The court granted the *Motion*. ***Order Granting Motion to File Late Objection and Setting Deadlines*** (July 13, 2007). A *Withdrawal of Objections* was later filed on behalf of Robert E. and Donna T. Fuchs on February 11, 2008. There are no remaining objections in this subcase. This water right will be recommended consistent with the *Standard Form 5* filed on November 16, 2006.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: February 15, 2008.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

FEB 15 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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-13013

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: RLF I LLC RLF II LLC
RLF III LLC RLF IV LLC
C/O RICHARD D DIVINE
PO BOX 2601
CRESTED BUTTE, CO 81224

SOURCE: FALL RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 0.40 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION: T08N R42E S18 LOT 4 (SWSW) Within Fremont County
S20 LOT 4 (SENWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.40 CFS

PLACE OF USE:	Irrigation	Within Fremont County
T08N R42E S07 LOT 3	(NWSW) 13.0	LOT 4 (SWSW) 28.0
S18	NWNE 6.9	SWNE 36.0
	SENE 5.0	NENW 36.0
LOT 1	(NWNW) 25.0	LOT 2 (SWNW) 27.0
	SENE 40.0	NESW 39.0
LOT 3	(NWSW) 20.0	LOT 4 (SWSW) 13.0
LOT 6	(SESW) 38.0	NESE 17.0
	NWSE 39.0	SWSE 40.0
	SESE 32.0	
S19 LOT 8	(NWNE) 25.0	LOT 7 (SWNE) 3.9
LOT 9	(NENW) 14.0	
497.8 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 497.8 acres in a single irrigation season. Combined Right Nos.: 21-93, 21-13013, 21-145, 21-146, 21-12992. This right is limited to the irrigation of 48 acres within the place of use described above in a single irrigation season.

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).

RECOMMENDATION

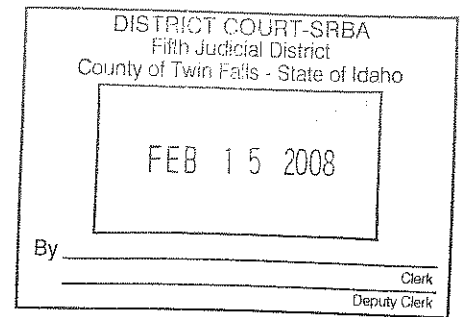
FEB 15 2008

Shirley J. Jolley
SPECIAL MASTER

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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 21-13013

On February 15, 2008, Special Master BRIGETTE BILYEU 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 15, 2008.


JANET CONNELL
Deputy Clerk

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 15 2008	
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 21-13013

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 15, 2008, with sufficient first-class postage prepaid to the following:

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

DONNA & ROBERT FUCHS
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

RLF I LLC RLF II LLC
RLF I LLC RLF II LLC ET AL
Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

CERTIFICATE OF MAILING

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DONNA & ROBERT FUCHS

Represented by:

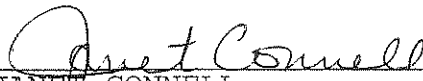
SCOTT J SMITH

201 E CENTER

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101



JANET CONNELL

Deputy Clerk