

2008 MAR 31 PM 4:03

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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 |
|                | ) |                             |
|                | ) | WATER RIGHT NO.: 37-21366   |
|                | ) |                             |

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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 Black Butte Hills, LLC on May 8, 2007. An Initial hearing was held on October 18, 2007. At the hearing, Black Butte Hills made oral *Motion to File Amended Notice of Claim*. The Court granted the *Motion*. An *Amended Director's Report* was filed on November 30, 2007. The *Amended Director's Report* was placed on the Docket Sheet. No objections were filed to the *Amended Director's Report*, and the time for filing such objections has now expired.

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: March 31, 2008.

  
\_\_\_\_\_  
BRIGETTE BILYEU  
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 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 37-21366

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TWIN FALLS CO., IDAHO  
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NAME AND ADDRESS: BLACK BUTTE HILLS LLC  
C/O GREGORY VIK  
PO BOX 1607  
BELLEVUE, WA 98009

SOURCE: SPRING CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 0.36 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION: T01S R15E S32 NWSENE Within Camas County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-15 TO 10-31 | 0.36 CFS |

| PLACE OF USE: | Irrigation        | Within Camas County                                           |
|---------------|-------------------|---------------------------------------------------------------|
|               | T01S R15E S33     | NWNE 39.0<br>SWNE 40.0<br>NESW 16.0<br>NESE 21.0<br>NWSE 21.0 |
|               | 137.0 Acres Total |                                                               |

The rights listed below are limited to the irrigation of a  
combined total of 137 acres in a single irrigation season.  
Combined Right Nos.: 37-596, 37-21364, 37-21366, & 37-21368.

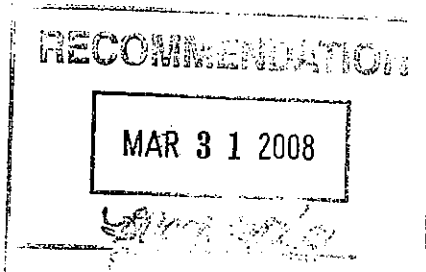
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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



DIST. COURT-SRBA  
TWIN FALLS CO., IDAHO

In Re SRBA )  
 )  
Case No. 39576 )  
 )  
 )

Water Right(s): 37-21366

Janet Connell  
JANET CONNELL  
Deputy Clerk

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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 37-21366

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 March 31, 2008, with sufficient first-class postage prepaid to the following:

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

BLACK BUTTE HILLS LLC

Represented by:  
JAMES P. SPECK  
SPECK & AANESTAD  
120 EAST AVENUE  
PO BOX 987  
KETCHUM, ID 83340  
Phone: 208-726-4421

  
JANET CONNELL  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
03/31/08