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APR 22 2008

DEPARTMENT OF  
WATER RESOURCES

2008 APR 18 AM 11:39

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

Case No. 39576

) SPECIAL MASTER'S REPORT AND  
) RECOMMENDATION; FINDINGS OF  
) FACT AND CONCLUSIONS OF LAW  
)  
)  
)

) FOR WATER RIGHT: 37-13355  
)  
\_\_\_\_\_

I. FINDINGS OF FACT

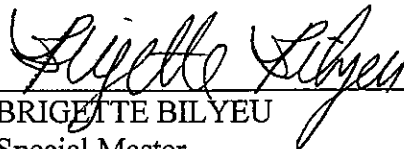
A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by the United States Bureau of Land Management on May 23, 2007. The *Objection* was resolved on April 11, 2008 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

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: April 18, 2008.



BRIGETTE BILYEU

Special Master

Snake River Basin Adjudication

In Re SRBA  
Case No. 39576

Water Right 37-13355

DISTRICT COURT-STDA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

|         |                   |                              |
|---------|-------------------|------------------------------|
| SOURCE: | BIG DEER CREEK    | TRIBUTARY: DEER CREEK        |
|         | CHICKEN CREEK     | TRIBUTARY: BIG DEER CREEK    |
|         | LITTLE DEER CREEK | TRIBUTARY: DEER CREEK        |
|         | POWELL CREEK      | TRIBUTARY: SOLDIER CREEK     |
|         | UNNAMED STREAM    | TRIBUTARY: BIG DEER CREEK    |
|         | UNNAMED STREAM    | TRIBUTARY: CHICKEN CREEK     |
|         | UNNAMED STREAM    | TRIBUTARY: LITTLE DEER CREEK |
|         | UNNAMED STREAM    | TRIBUTARY: POWELL CREEK      |

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QUANTITY: 0.02 CFS

PRIORITY DATE: 03/01/1900

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| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 04-01 TO 11-30 | 0.02 CFS |

| PLACE OF USE: | Stockwater    |      | Within Camas County |
|---------------|---------------|------|---------------------|
|               | T01N R14E S12 | NENE | NWNE                |
|               |               | SWNE | SENE                |
|               |               | SWNW | SENE                |
|               |               | NWSW | SESW                |
|               |               | SWSE |                     |
|               | S13           | NWNE | NENW                |
|               | R15E S04      | SWNE | LOT 3 (NENW)        |
|               |               | SESW |                     |
|               | S05           | NWSW | SWSW                |
|               |               | NWSE | SESE                |
|               | S06           | NWSE | SWSE                |
|               |               | SESE |                     |
|               | S07           | NENE | SWSE                |
|               |               | SESE |                     |
|               | S08           | NWNW | SWNW                |
|               |               | SWSW | SESE                |
|               | S09           | NENW | NWSW                |
|               | S17           | NENE | NWNE                |
|               |               | SWNE |                     |
|               | S18           | NWNE | NENW                |
|               |               | SENE |                     |

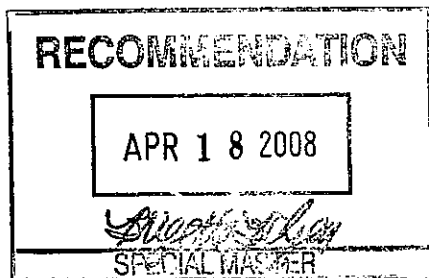
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right 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

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TWIN FALLS CO., IDAHO

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): 37-13355

On April 18, 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 April 18, 2008.

  
JANET CONNELL  
Deputy Clerk

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DISTRICT COURT-SFPA  
TWIN FALLS CO., IDAHO  
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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 )

CERTIFICATE OF MAILING

Case No. 39576 )

Water Right(s): 37-13355

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 April 18, 2008, 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

BAUSCHER RANCH INC  
C/O RANDY BAUSCHER  
111 PELICAN POINT  
RUPERT, ID 83350  
Phone: 208-436-0292

CERTIFICATE OF MAILING

  
JANET CONNELL  
Deputy Clerk

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