

2008 JUN -6 PM 2: 53

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 |
|                | ) |                             |
|                | ) | FOR WATER RIGHT: 21-12992   |
| _____          | ) |                             |

**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 13, 2006 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: June 6, 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 )  
 ) PARTIAL DECREE PURSUANT TO  
Case No. 39576 ) I.R.C.P. 54(b) FOR  
 )  
 ) Water Right 21-12992

2008 JUN -6 PM 2:54

CLERK OF DISTRICT COURT  
TWIN FALLS CO., IDAHO  
FILED

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: SPRINGS TRIBUTARY: SINKS

QUANTITY: 2.00 CFS

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

PRIORITY DATE: 07/25/1919

POINT OF DIVERSION: T08N R42E S18 NESESE Within Fremont County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 3.00 CFS |
|                               | Stockwater     | 04-01 TO 11-01 | 0.02 CFS |

PLACE OF USE: Irrigation Within Fremont County

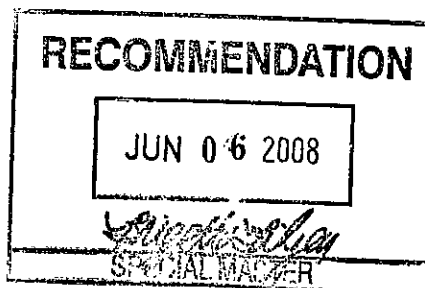
|                     |             |       |             |
|---------------------|-------------|-------|-------------|
| T08N R42E S07 LOT 3 | (NWSW) 13.0 | LOT 4 | (SWSW) 28.0 |
| S18                 | NWNE 6.9    |       | SWNE 36.0   |
|                     | SENE 5.0    |       | NENW 36.0   |
| 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   |             |       |             |

Stockwater Within Fremont County  
Same as Irrigation

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.

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

TWIN FALLS CO., IDAHO

## DISTRICT OF THE

Case No. 39576

RECOMMENDATION

Water Right(s) : 21-12992

On June 06, 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 June 06, 2008.

JANET CONNELL  
Deputy Clerk

2008 JUN -6 PM 2:54

RECEIVED AT-SPDA  
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 )

CERTIFICATE OF MAILING

Case No. 39576 )  
\_\_\_\_\_ )

Water Right(s): 21-12992

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 June 06, 2008, with sufficient first-class postage prepaid to the following:

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

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

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
06/06/08