

2008 JUN -6 PM 2:48  
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: 37-21653   |
| _____          | ) |                             |

**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.

*Objections* were filed by Danny and Valerie Van Horn and the United States Bureau of Land Management. The *Objections* were resolved on June 3, 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: June 6, 2008.

  
\_\_\_\_\_  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

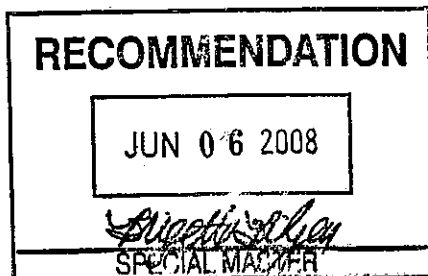
  

| PLACE OF USE: | Stockwater    |        | Within Camas County |
|---------------|---------------|--------|---------------------|
|               | T01N R13E S04 | SWNE   | SENE                |
|               |               | SENE   | NESW                |
|               | LOT 7         | (SWSW) | SESW                |
|               |               | NESE   | NWSE                |
|               |               | SESE   |                     |
|               | S08           | NENE   | SWNE                |
|               |               | SENE   | NENW                |
|               |               | SENE   | NESW                |
|               |               | NWSW   | SWSW                |
|               |               | SESW   | NESE                |
|               |               | NWSE   | SWSE                |
|               |               | SESE   |                     |
|               | S09           | NENE   | SWNE                |
|               |               | SENE   | NENW                |
|               | LOT 1         | (NWNW) | (SNNW)              |
|               |               | SENE   | NESW                |
|               | LOT 3         | (NWSW) | (SWSW)              |
|               |               | SESW   | NESE                |
|               |               | NWSE   | SWSE                |
|               | S16           | NENE   | NWNE                |
|               |               | SWNE   | SENE                |
|               |               | NENW   | NWNW                |
|               |               | SWNW   | SENE                |
|               |               | NESW   | NWSW                |
|               |               | SWSW   | SESW                |
|               |               | NWSE   | SWSE                |
|               |               | SESE   |                     |
|               | S17           | NENE   | NWNE                |
|               |               | SWNE   | SENE                |
|               |               | NENW   | SENE                |
|               |               | NESW   | SESW                |
|               |               | NESE   | SWSE                |
|               |               | SESE   |                     |
|               | S20           | NENE   | NWNE                |
|               |               | SENE   | NENW                |

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.

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John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 37-21653

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

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In Re SRBA )

CERTIFICATE OF MAILING

Case No. 39576 )

Water Right(s): 37-21653

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

DANNY & VALERIE VAN HORN  
DANNY VAN HORN  
VALERIE VAN HORN

Represented by:  
JOHN E. ROBERTSON  
PO BOX 1906  
TWIN FALLS, ID 83303  
Phone: 208-734-0700

UNITED STATES OF AMERICA  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

CERTIFICATE OF MAILING

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06/06/08  
  
JANET CONNELL  
Deputy Clerk