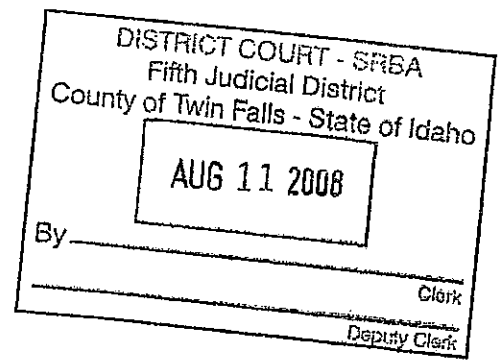


RECEIVED

AUG 12 2008

DEPARTMENT OF
WATER RESOURCES



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
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-32637,
) 63-32638, 63-32639, and 63-32640
)
) RECOMMENDATION OF
) DISALLOWANCE FOR WATER
) RIGHTS 63-32406 and 63-32415

I. FINDINGS OF FACT

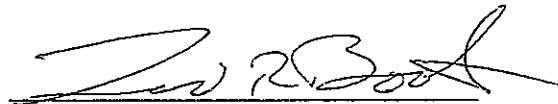
A notice of claim was filed for water right 63-04849 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. Prior to the filing of the *Director's Report*, water right 63-04849 was split into water right 63-32406 and 63-32415. The *Director's Report* contained a recommendation or abstract for the elements of water rights 63-32406 and 63-32415. Subsequent to the filing of the *Director's Report*, additional splits were made, resulting in water right numbers 63-32637, 63-32638, 63-32639, and 63-32640.

On June 18, 2007, Scott Bohme and Suzie Bohme, claimants of water rights 63-32637 and 63-32639, through their attorney Dylan B. Lawrence, filed an objection to the *Director's Report* for each of the split water rights. On May 27, 2008, the Bohmes filed a *Notice of Withdrawal of Objection* in subcases 63-32638 and 63-32640 (the Cleary rights). On June 5, 2008, the Bohmes withdrew their objection in subcase 63-32639. On July 9, 2008 the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in subcase 63-32637, which resolved the objection thereto. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 63-32637, 63-32638, 63-32639, and 63-32640 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER RECOMMENDED that the SRBA District Court enter a final order **disallowing** water right numbers 63-32406 and 63-32415.

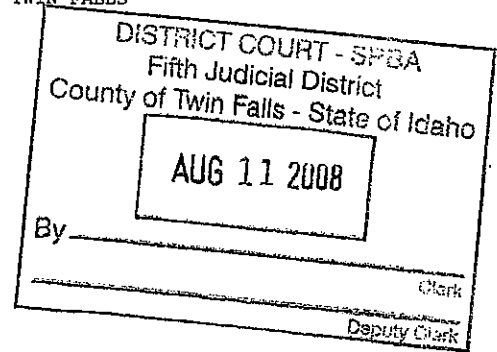
Dated: Aug 11, 2008



Theodore R. Booth
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 63-32637



NAME AND ADDRESS: SCOTT BOHME
SUZIE BOHME
4389 W FARM VIEW RD
BOISE, ID 83714

SOURCE: DRY CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.18 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-32639 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .18 CFS.

PRIORITY DATE: 09/13/1874

POINT OF DIVERSION: T05N R02E S31 SESENE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.18 CFS

PLACE OF USE: Irrigation Within Ada County
T05N R02E S31 NENW 9.0
9.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 63-32639 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 9 ACRES IN A SINGLE
IRRIGATION SEASON.

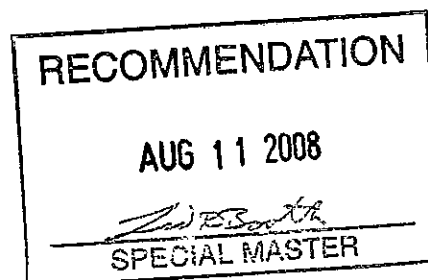
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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

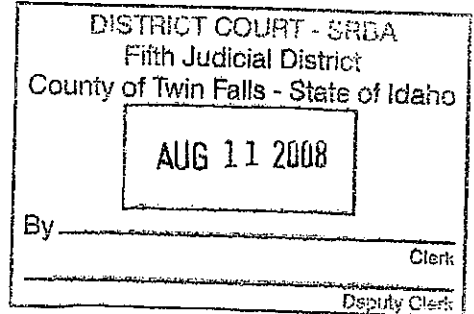


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-32638



NAME AND ADDRESS: JIM CLEARY
TERESA CLEARY
6029 ECHANOVE DR
BOISE, ID 83714

SOURCE: DRY CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.18 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-32640 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .18 CFS.

PRIORITY DATE: 09/13/1874

POINT OF DIVERSION: T05N R02E S31 SESENE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.18 CFS

PLACE OF USE:	Irrigation	Within Ada County
	T05N R02E S31 NWNE 4.0 NENW 5.0	
	9.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 63-32640 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 9 ACRES IN A SINGLE
IRRIGATION SEASON.

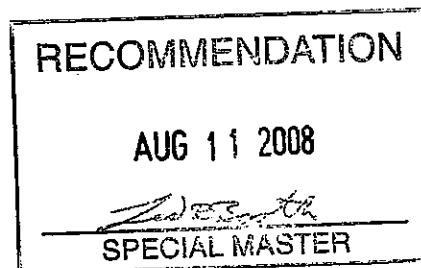
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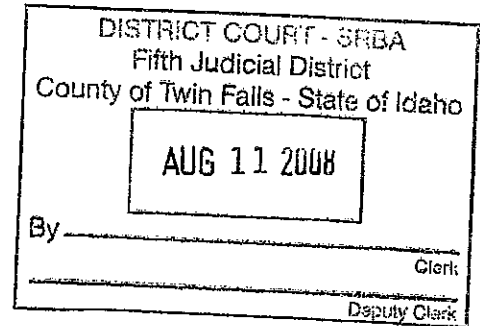


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-32639



NAME AND ADDRESS: SCOTT BOHME
SUZIE BOHME
4389 W FARM VIEW RD
BOISE, ID 83714

SOURCE: GROUND WATER

QUANTITY: 0.095 CFS
40.50 AFY

USE OF THIS RIGHT WITH RIGHT NO. 63-32637 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .18 CFS.

PRIORITY DATE: 07/14/1959

POINT OF DIVERSION: T05N R02E S31 SENWNE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.095 CFS 40.50 AFY

PLACE OF USE: Irrigation Within Ada County
T05N R02E S31 NENW 9.0
9.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 63-32637 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 9 ACRES IN A SINGLE IRRIGATION
SEASON.

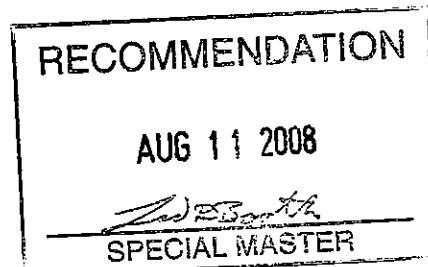
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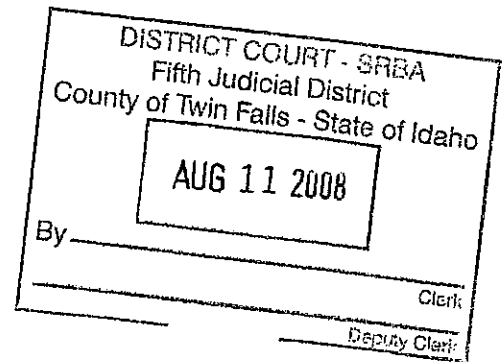
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-32640



NAME AND ADDRESS: JIM CLEARY
TERESA CLEARY
6029 ECHANOVE DR
BOISE, ID 83714

SOURCE: GROUND WATER

QUANTITY: 0.095 CFS
40.50 AFY

USE OF THIS RIGHT WITH RIGHT NO. 63-32638 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .18 CFS.

PRIORITY DATE: 07/14/1959

POINT OF DIVERSION: T05N R02E S31 SENWNE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.095 CFS 40.50 AFY

PLACE OF USE: Irrigation
T05N R02E S31 NWNE 4.0 NENW 5.0
9.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 63-32638 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 9 ACRES IN A SINGLE
IRRIGATION SEASON.

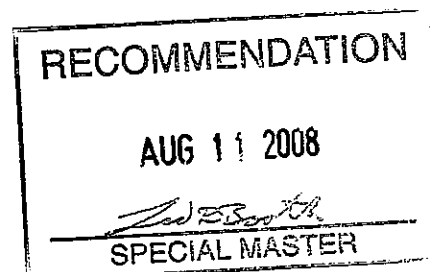
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 11 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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

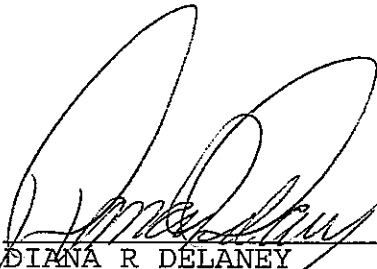
Water Right(s): 63-32406
63-32415 63-32637 63-32638
63-32639 63-32640

On August 11, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

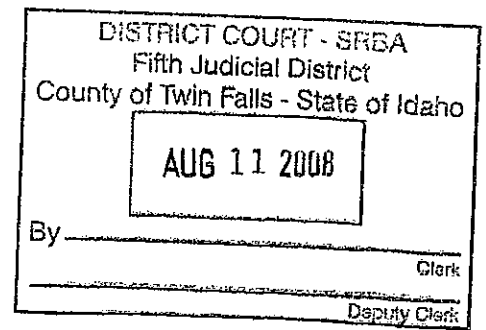
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 August 11, 2008.



DIANA R DELANEY
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): 63-32406
63-32415 63-32637 63-32638
63-32639 63-32640

CERTIFICATE OF MAILING

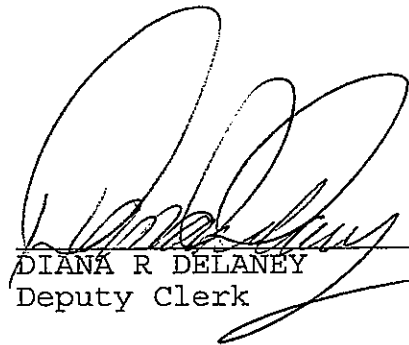
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 11, 2008, with sufficient first-class postage prepaid to the following:

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

SCOTT BOHME
SUZIE BOHME
Represented by:
DYLAN B LAWRENCE
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829

JIM CLEARY
TERESA CLEARY
Represented by:
WAYNE V MEULEMAN
755 W FRONT ST, STE 200
BOISE, ID 83702
Phone: 208-342-6066

SUZIE BOHME
4389 W FARM VIEW RD
BOISE, ID 83714
Phone: 208-229-0023



DIANA R DELANEY
Deputy Clerk