

2008 OCT 30 PM 4:05

FILED  
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     | ) | SPECIAL MASTER'S REPORT AND |
|                | ) | RECOMMENDATION; FINDINGS OF |
| Case No. 39576 | ) | FACT AND CONCLUSIONS OF LAW |
|                | ) |                             |
|                | ) | FOR WATER RIGHT: 37-482G    |
|                | ) |                             |

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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.

*Objections* were filed by the United States Bureau of Land Management, Tom O'Gara, John Stevenson, Bill Molyneux, Pete Van Der Muelen, Grace Eakin, Rocky Sherbine, Gerald Bashaw, Pepin Corso-Harris, and Big Wood Canal Company. A *Response* was filed by Sinclair Oil Corporation on February 1, 2008. A *Stipulation for Sinclair Oil Corporations Withdrawal and Potential Reentry* was filed on September 10, 2008. All parties were signatories to the *Stipulation*. The Court granted the withdrawal of the *Response*. ***Order Granting Withdrawal of Response Without Prejudice***. (September 16, 2008) The *Objections* were resolved on September 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: October 30, 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  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 37-00482G

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TWIN FALLS CO., IDAHO

NAME AND ADDRESS: REDSTONE PARTNERS LP  
1188 EAGLE VISTA CT  
RENO, NV 89511

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 10.87 CFS

Total combined delivery at the field headgates (for surface water rights) and diversion at the wellheads (for ground water rights) for this right along with water right nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463 and 37-22155 shall not exceed a total instantaneous rate of 28.7 cfs (which equates to 0.02 cfs per acre over the combined permissible places of use for these water rights totaling 1,435.1 acres).

Total volume of water delivered to the field from this right along with water right nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463 and 37-22155 shall not exceed 5,022.9 acre-feet per year (which equates to 3.5 acre-feet per acre over the combined permissible places of use for these water rights totaling 1,435.1 acres).

PRIORITY DATE: 08/01/1884

POINT OF DIVERSION: T02N R18E S36 NESWNW Within Blaine County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|----------------------------|----------------|----------------|-----------|
|                            | Irrigation     | 04-15 TO 10-31 | 10.87 CFS |

| PLACE OF USE: | Irrigation                                                                            | Within Blaine County                                                      |
|---------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| T01N R19E S17 | SWNE 38.0<br>SENE 40.0<br>NWSW 34.0<br>SESW 35.0<br>NWSE 40.0<br>SESE 22.0            | SWNW 34.0<br>NESW 40.0<br>SWSW 40.0<br>NESE 11.0<br>SWSE 40.0             |
| S20           | NENE 39.0<br>SWNE 19.0<br>NENW 37.0<br>NESE 35.0<br>SESE 13.0                         | NWNE 39.0<br>SENE 40.0<br>NWNW 40.0<br>NWSE 1.3                           |
| S21 LOT 8     | (NWNW) 10.0                                                                           | LOT 9 (SWNW) 9.0                                                          |
| LOT 11        | (NWSW) 24.0                                                                           | SWSW 36.0                                                                 |
| LOT 12        | (SESW) 1.2                                                                            |                                                                           |
| S27           | NENE 11.0<br>SWNE 40.0<br>SWNW 13.0<br>NESW 40.0<br>SWSW 40.0<br>NESE 3.8<br>SWSE 4.0 | NWNE 9.0<br>SENE 11.0<br>SENE 30.0<br>NWSW 38.0<br>SESW 30.0<br>NWSE 36.0 |
| S28           | SWNE 14.0<br>NENW 13.0<br>SWNW 6.4<br>NESW 22.0<br>NESE 39.0                          | SENE 4.0<br>NWNW 29.0<br>SENE 37.0<br>SESW 2.2<br>NWSE 39.0               |

PLACE OF USE (continued)

|     |           |           |
|-----|-----------|-----------|
|     | SWSE 36.0 | SESE 40.0 |
| S33 | NENE 40.0 | NWNE 14.0 |
|     | SENE 30.0 |           |
| S34 | NENW 0.2  | NWNW 31.0 |
|     | SWNW 15.0 |           |

1435.1 Acres Total

Right Nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N and 37-22155 are limited to the irrigation of a combined total of 1435.1 acres in a single irrigation season.

Right Nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463 and 37-22155 are limited to the irrigation of a combined total of 1435.1 acres in a single irrigation season.

This right is limited to the irrigation of 1079.0 acres within the place of use described above in a single irrigation season.

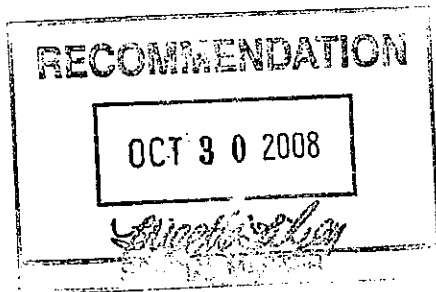
Right Nos. 37-481B, 37-482G and 37-483B are limited to the irrigation of a combined total of 1079 acres in a single irrigation season.

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

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

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HEREIN IS UNCLASSIFIED

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

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s) : 37-00482G

On October 30, 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 October 30, 2008.

Janet Connell  
JANET CONNELL  
Deputy Clerk

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SRBA

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): 37-00482G

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 October 30, 2008, with sufficient first-class postage prepaid to the following:

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

BILL MOLYNEUX  
GERALD BASHAW  
GRACE EAKIN  
JOHN F STEVENSON  
PEPIN CORSO-HARRIS  
PETE VAN DER MEULEN  
ROCKY SHERBINE  
TOM O GARA

Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

CERTIFICATE OF MAILING

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10/30/08

BIG WOOD CANAL COMPANY

Represented by:

CRAIG D. HOBDEY

125 5TH AVE

PO BOX 176

GOODING, ID 83330

Phone: 208-934-4429

REDSTONE PARTNERS LP

Represented by:

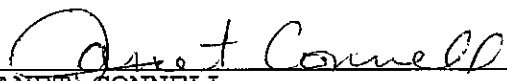
JEFFREY C FEREDAY

601 W BANNOCK ST

PO BOX 2720

BOISE, ID 83701-2720

Phone: 208-388-1200

  
JANET CONNELL  
Deputy Clerk