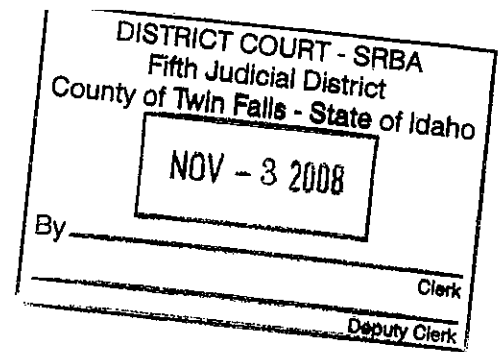


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NOV - 4 2008

Department of Water Resources
Adjudication Bureau



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
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 79-14204

A notice of claim was filed for the above-captioned water right 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. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On June 30, 2008, The United States of America, Department of Interior, Bureau of Land Management (BLM) filed an objection to the *Director's Report*. On July 1, 2008, The United States of America, Department of Agriculture, Forest Service, filed an objection to the *Director's Report*. On October 29, 2008, the parties filed a *Standard Form 5 - Stipulated Elements of a Water Right* which resolved the objection. The *Standard Form 5* was executed by Justice Department Attorney David Negri on behalf of both the BLM and the Forest Service. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 79-14204 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Nov. 3, 2008

A handwritten signature in cursive script, appearing to read 'Theodore R. Booth', written over a horizontal line.
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 79-14204

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
NOV - 3 2008	
By _____	Clark
_____	Deputy Clerk

NAME AND ADDRESS: JIM RUPP
RACHEL A RUPP
10649 HWY 95 S
LUCILE, ID 83542

SOURCE: CRAWFORD CREEK TRIBUTARY: SALMON RIVER
UNNAMED STREAM TRIBUTARY: SALMON RIVER
UNNAMED STREAM TRIBUTARY: CRAWFORD CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 02/26/1925

POINT OF DIVERSION:	T25N R01E S11	SWNE (Instream Ending Point)	Within Idaho County
		NENE (Instream Ending Point)	
		NENE (Instream Ending Point)	
		SWNE (Instream Beginning Point)	
		SWNE (Instream Ending Point)	
	LOT 9	(SESE) (Instream Beginning Point)	
	LOT 9	(SESE) (Instream Ending Point)	
	LOT 9	(SESE) (Instream Beginning Point)	
	LOT 9	(SESE) (Instream Ending Point)	
	LOT 9	(SESE) (Instream Beginning Point)	
	LOT 9	(SESE) (Instream Ending Point)	
	S12	SESE (Instream Beginning Point)	
		SWSE (Instream Ending Point)	
		SWSE (Instream Ending Point)	
		NWSE (Instream Beginning Point)	
		SWSE (Instream Ending Point)	
		NESW (Instream Beginning Point)	
		NESW (Instream Ending Point)	
		SENE (Instream Beginning Point)	
		NESW (Instream Ending Point)	
		SNNW (Instream Beginning Point)	
		NWNW (Instream Beginning Point)	
		NWNW (Instream Beginning Point)	
	S13	NENE (Instream Beginning Point)	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Idaho County
	T25N R01E S11	NENE SWNE
		SENE LOT 9 (SESE)
	S12	NWNW SNNW
		SENE NESW
		NESE NWSE
		SWSE SESE
	S13	NENE NWNE

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.

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

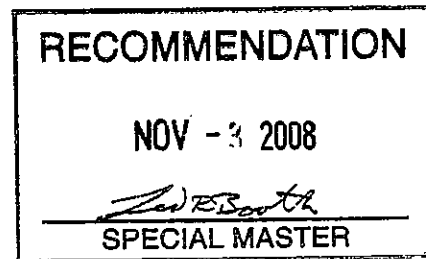
OTHER PROVISIONS (continued)

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



DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV - 3 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

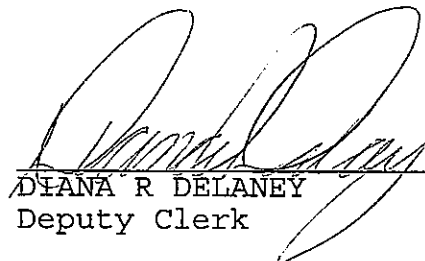
Water Right(s): 79-14204

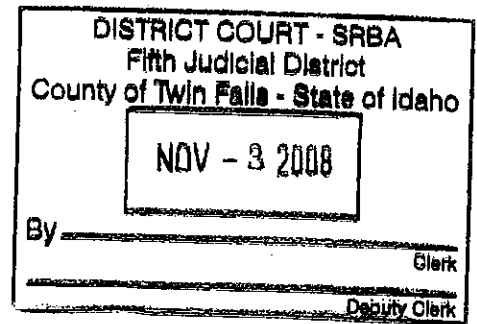
On November 03, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 November 03, 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) : 79-14204

CERTIFICATE OF MAILING

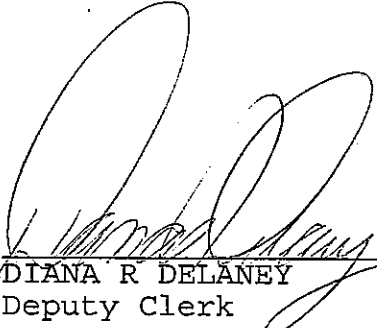
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on November 03, 2008, with sufficient first-class postage prepaid to the following:

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

JIM RUPP
RACHEL A RUPP
10649 HWY 95 S
LUCILE, ID 83542
Phone: 208-628-3712

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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11/03/08