

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

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

AUG 23 2009

In Re SRBA)
Case No. 39576)

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

Water Right 73-00168

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS:

NORMCO LLC
10424 S 2700 W, STE 200
SOUTH JORDAN, UT 84095

HWHL LLC
1711 N CHERAPPLE DR
OREM, UT 84097

CHARLESVIEW LLC
RIO CLARO INC
1819 E SOUTHERN AVE #B-10
MESA, AZ 85204

RIO B LLC
3007 CAN-ADA RD
MELBA, ID 83641

OLD CORRALS & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE, ID 83616

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 3.20 CFS

PRIORITY DATE: 08/31/1907

POINT OF DIVERSION: T12N R24E S32 SWSW Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.20 CFS

PLACE OF USE:	Irrigation	Within Custer County
T12N R24E S16	SNNW 12.0	NESW 7.6
	NWSW 8.4	SESW 15.0
	SWSE 8.6	
S21	NESE 13.0	
S22	NENE 18.0	NWNE 8.0
	SWNE 40.0	SENE 40.0
	NENW 9.0	NWNW 17.0
	SNNW 40.0	SENW 33.0
	NESW 39.0	NWSW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 36.0	SESE 40.0
S23	SWNE 2.2	NENW 11.0
	NWNW 35.0	SNNW 40.0
	SENW 35.0	NESW 30.0
	NWSW 40.0	SWSW 32.0
	SESW 1.0	NWSE 1.2
	732.0 Acres Total	

Stockwater Within Custer County
Same as Irrigation

This right is limited to the irrigation of 160 acres within the
place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a

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

PLACE OF USE (continued)

combined total of 732.0 acres in a single irrigation season.
Combined Right Nos.: 73-165, 73-168, 73-178, 73-179, 73-187A,
73-188A, 73-2038, 73-2091, and 73-10047.

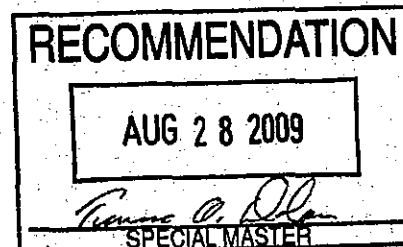
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

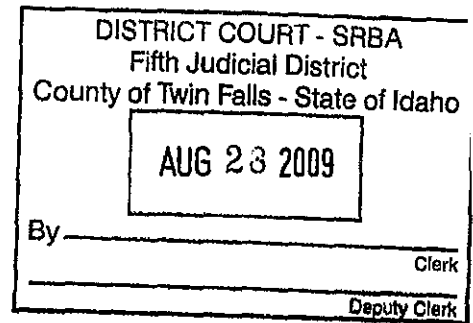
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

) Subcases 73-165, 73-168, 73-2038, 73-2091,
) 73-2141, 73-2142, 73-2153, 73-2164, 73-
) 7022 and 73-7038
) (Normco LLC, HWHL LLC, Charlesview
) LLC, Rio Claro, Inc., Rio B LLC and Old
) Corrals & Sagebrush LLLP)
)
) **SPECIAL MASTER REPORT**
)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 73* on January 25, 2007. The Director recommended the claims to Sulphur Creek Livestock for between .55 cfs and 11.94 cfs from the Pahsimeroi River, Ditch Creek, groundwater and Big Creek for stockwater and to irrigate between 32 acres and 793 acres in Custer and Lemhi Counties from March 1 or April 1 to October 1 or 31 with priority dates between of January 4, 1904, and January 18, 1978, based on a decree or licenses.

Old Corrals and Sagebrush LLLP filed *Objections* in subcases 73-165, 73-168, 73-2038, 73-2091, 73-2141, 73-2142, 73-2164, 73-7022 and 73-7038 on December 17, 2007, and February 8, 2008, objecting to source, points of diversion, priority date, period of year and place of use. IDWR identified claim 73-2153 as an uncontested overlapping subcase.

On August 17, 2009, the claimants, with IDWR's concurrence, filed *Standard Form 5* in subcases 73-165, 73-168, 73-2038, 73-2091, 73-2141, 73-2142, 73-2164, 73-7022 and 73-7038.

On August 26, 2009, IDWR filed a *Notice of Completed Administrative Proceeding* in subcase 73-2153 for a substitution of party. The new owners in all 10 subcases are:

Normco LLC
Suite 200
10424 S., 2700 W.
South Jordan, Utah, 84095

HWHL LLC
1711 N. Cherapple Drive
Orem, Utah, 84097

Charlesview LLC
Rio Claro, Inc.
1819 E. Southern Ave., #B-10
Mesa, Arizona, 85204

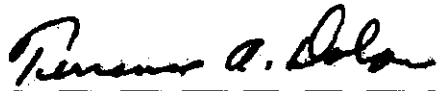
Rio B LLC
3007 Can-Ada Road
Melba, Idaho, 83641

Old Corrals & Sagebrush LLLP
435 S. Fitness Place
Eagle, Idaho, 83616

Conclusions of Law

The claimants are entitled to partial decrees adjudicating water rights as described in the *SF-5s*, *NCAP* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-165, 73-168, 73-2038, 73-2091, 73-2141, 73-2142, 73-2153, 73-2164, 73-7022 and 73-7038*.

DATED August 28, 2009.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

DISTRICT COURT SREA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 23 2009	
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

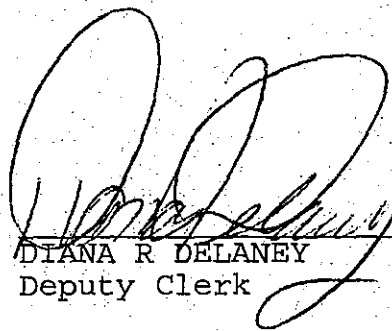
Water Right(s): 73-00165
73-00168 73-02038 73-02091
73-02141 73-02142 73-02153
73-02164 73-07022 73-07038

On August 28, 2009, Special Master TERRENCE A. DOLAN 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 28, 2009.


DIANA R. DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 23 2009	
By _____	Clerk
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CERTIFICATE OF MAILING

Water Right(s): 73-00165

73-00168	73-02038	73-02091
73-02141	73-02142	73-02153
73-02164	73-07022	73-07038

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 28, 2009, with sufficient first-class postage prepaid to the following:

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

BRETT MAC NEIL
SCYTHE & SPADE CO
453 S FITNESS PL
EAGLE, ID 83616
Phone: 208-893-5333

CERTIFICATE OF MAILING

PAGE 1
08/28/09

BRETT MAC NEIL
SCYTHE & SPADE DO
453 FITNESS PL
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SOUTH JORDAN, UT 84095

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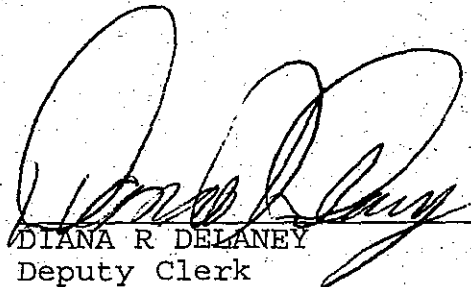
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DIANA R DELANEY
Deputy Clerk