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
By _____ Clerk
_____ Deputy Clerk

In Re SRBA )
)
Case No. 39576 )
)

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

Water Right 73-02141

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: GROUND WATER

QUANTITY: 2.00 CFS
350.00 AFY

PRIORITY DATE: 01/21/1952

POINT OF DIVERSION: T14N R21E S13 SWSESE Within Custer County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|---|---|---|
| Irrigation | 04-01 TO 10-31 | 2.00 CFS<br>350.00 AFY |

PLACE OF USE: Irrigation Within Custer County
T14N R21E S13 NESE 40.0 NWSE 25.0
SESE 35.0
100.0 Acres Total

Right Nos. 73-2141 and 73-2153 are limited to the irrigation of a combined total of 271.2 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

RECOMMENDATION
AUG 28 2009
SPECIAL MASTER

DISTRICT COURT - SRBA
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** | ) | **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)** |
| **Case No. 39576** | ) | |
| | ) | **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

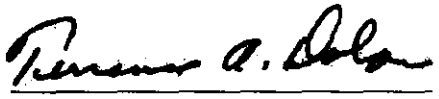
Rio B LLC
3007 Can-Ada Road
Melba, Idaho, 83641

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 SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
AUG 28 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<br><br>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 28 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 )
)

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

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

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

NORMCO LLC
SUITE 200
10424 S 2700 W
SOUTH JORDAN, UT 08405

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

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

HWHL LLC
1711 N CHERAPPLE DR
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CHARLESVIEW LLC
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DIANA R DELANEY
Deputy Clerk