

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

DISTRICT COURT - 5th
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA)
Case No. 39576)

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

Water Right 73-02164

AUG 23 2009

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:

GROUND WATER

QUANTITY:

5.00 CFS
1281.00 AFY

Right Nos. 73-2164 and 73-7000 are limited to a total combined
diversion rate of 7.6 cfs.

PRIORITY DATE:

10/06/1966

POINT OF DIVERSION:

T14N R21E S24 SENWNE Within Custer County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 10-01	5.00 CFS 1281.00 AFY

The use of water for irrigation under this right may begin as
early as March 1 provided other elements of the right are not
exceeded. The use of water before April 1 under this remark is
subordinate to all water rights having no subordinated early or
late irrigation use and a priority date earlier than the date a
partial decree is entered for this right.

PLACE OF USE:

Irrigation	Within Custer County
T14N R21E S13	SWSE 40.0
S24	NENE 18.0 SWNE 39.0 NENW 38.0
R22E S18	SESW 38.0
S19 LOT 1	(NWNW) 39.0
366.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 961.5 acres in a single irrigation season.
Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140,
73-2164, 73-7000

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

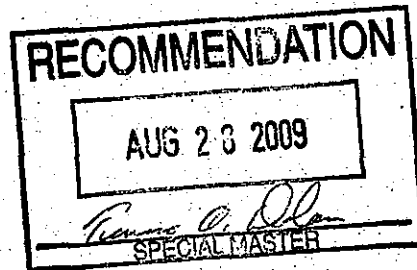
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

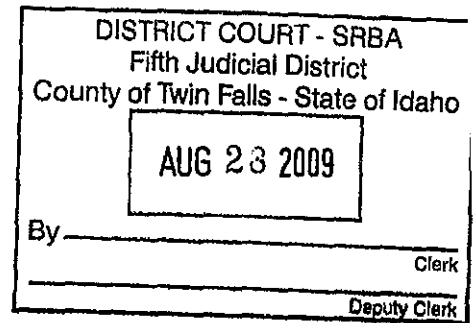
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

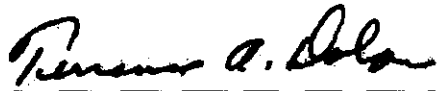
Rio B LLC
3007 Can-Ada Road
Melba, Idaho, 83641

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

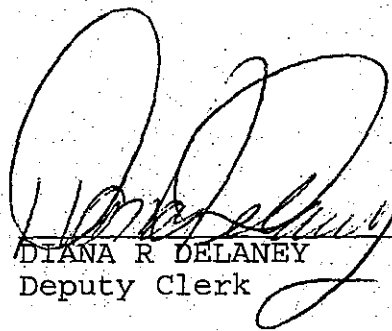
Water Right(s): 73-00165
73-00168 73-02038 73-02091
73-02141 73-02142 73-02153
73-02164 73-07022 73-07038

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
Deputy 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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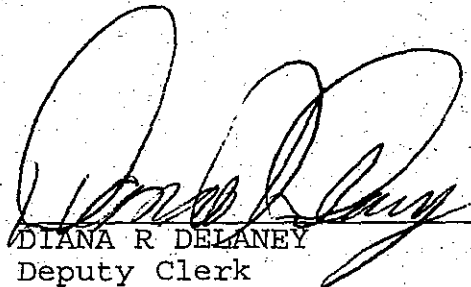
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DIANA R DELANEY
Deputy Clerk