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JAN 25 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 22 2010	
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

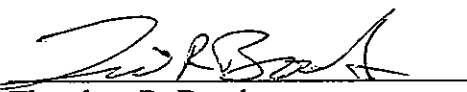
) SPECIAL MASTER'S REPORT AND
) RECOMMENDATION RE: RULE 60(b)
) MOTION FOR RELIEF FROM
) JUDGMENT
)
) FOR WATER RIGHTS 78-04084A,
) 78-04084B, and 78-04084C

A *Final Order Disallowing Water Right Claims* was issued for the above-captioned water rights on May 19, 2008. On October 7, 2009, the claimant of the rights, Brent Rocky LLC, through its attorney Matthew J. McGee, filed a *Rule 60(b) Motion for Relief From Judgment*, seeking to set aside the disallowance of the water rights. A hearing on the *Motion* was held on October 22, 2009. Based upon the comments of the participants at the hearing, and upon the matters set forth in the documents supporting the *Motion*, this Special Master finds that the claimant has satisfied the criteria set forth in I.R.C.P. 60(b), and that the SRBA District Court should set aside the disallowance of the claims and issue partial decrees as recommended herein. In anticipation of the issuance of amended partial decrees, *Amended Director's Reports* were filed by IDWR on October 28, 2009. Notice of the issuance of the *Amended Director's Reports* was published on the Court's docket sheet in November, 2009, with an objection period ending November 30, 2009. No objections were filed to the *Amended Director's Reports*, and the time for objecting has expired.

Therefore based on the file and record herein, IT IS RECOMMENDED that the SRBA District Court issue partial decrees for water rights 78-04084A, 78-04084B, and 78-04084C with the elements as set forth in the attached *Recommendations for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated

Jan 22 2010


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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 78-04084A

NAME AND ADDRESS: BRENT ROCKY LLC
270 N JEFF DAVIS DR
FAYETTEVILLE, GA 30214

SOURCE: SPRING TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/01/1900

POINT OF DIVERSION: T23N R01E S08 SWNE Within Idaho County

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

PLACE OF USE: Domestic Within Idaho County
T23N R01E S08 SWNE

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.

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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

JAN 22 2010

Eric J. Wildman
SPECIAL MASTER

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 78-04084B

NAME AND ADDRESS: BRENT ROCKY LLC
270 N JEFF DAVIS DR
FAYETTEVILLE, GA 30214

SOURCE: SPRINGS TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.10 CFS

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

PRIORITY DATE: 06/01/1900

POINT OF DIVERSION: T23N R01E S08 SWNE Within Idaho County
NENW
SENW
SENW
NWSW
NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.10 CFS

PLACE OF USE:	Stockwater	Within Idaho County
	T23N R01E S08	SWNE SENW
		NWNE NENW NWSW

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

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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

JAN 22 2010

SPECIAL MASTER

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 78-04084C

NAME AND ADDRESS: BRENT ROCKY LLC
270 N JEFF DAVIS DR
FAYETTEVILLE, GA 30214

SOURCE: SPRING TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/01/1900

POINT OF DIVERSION: T23N R01E S08 NSW Within Idaho County

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

PLACE OF USE: Domestic Within Idaho County
T23N R01E S08 NSW

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

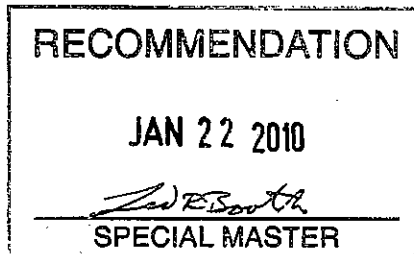
The quantity of water decreed for this water right is not a
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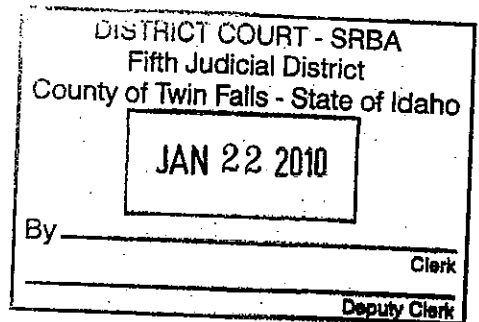
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication





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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

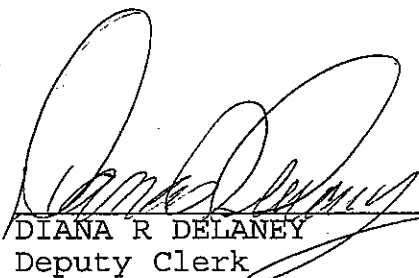
Water Right(s): 78-04084A
78-04084B 78-04084C

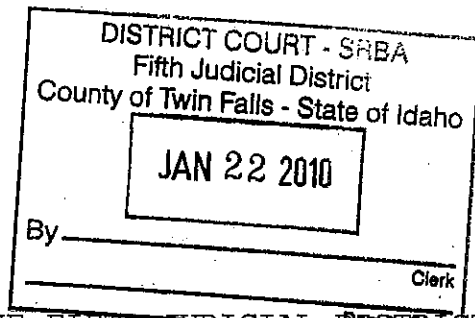
On January 22, 2010, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 January 22, 2010.


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): 78-04084A
78-04084B 78-04084C

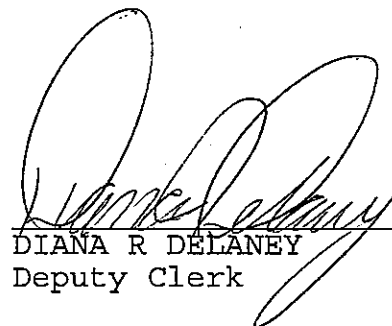
CERTIFICATE OF MAILING

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 January 22, 2010, with sufficient first-class postage prepaid to the following:

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

BRENT ROCKY LLC
Represented by:
MATT MC GEE
101 S CAPITOL BLVD, 10TH FL
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

BRENT ROCKY LLC
270 N JEFF DAVIS DR
FAYETTEVILLE, GA 30214


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING