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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL - 2 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

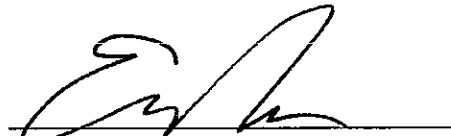
In Re SRBA	) Subcase Nos. 63-31194A and 63-31194B
	)
Case No. 39576	) ORDER RE: ATTORNEY'S FEES AND
	) COSTS
	)
	)
	)
	)

A *Partial Decree* was issued for water right 63-31194B held by Sundance Investments Ltd. Partnership ("Sundance") on October 15, 2009. A *Final Order Disallowing Water Right Claim* was issued for water right 63-31194A claimed by L. Darwin McKay ("McKay") on October 15, 2009. On October 29, 2009, Sundance filed its *Memorandum of Costs and Affidavit of Attorney Fees* requesting recovery of costs and attorney's fees of \$126.00 and \$17,594.50 respectively pursuant to I.C. §§ 12-121, 12-120(3) and pursuant to the plain language of the Purchase and Sale Agreement. On November 6, 2009, McKay filed his *Motion to Disallow* the claimed costs and fees.

On May 17, 2010, a *Special Master's Report and Recommendation Re: Sundance Investment Ltd. Partnership's Requests for Attorney Fees* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired. Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS HEREBY ORDERED that Sundance Investments Ltd. Partnership is awarded costs as against L. Darwin McKay in the amount of \$126.00 and attorney's fees against L. Darwin McKay in the amount of \$17,594.50, for a total award of \$17,720.50.

Dated July 2, 2010


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER RE:
ATTORNEY'S FEES AND COSTS was mailed on July 02, 2010, with
sufficient first-class postage to the following:

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