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JUL 16 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUL 15 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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NOS.: 27-12106 and
	)	27-12093

I. FINDINGS OF FACT

A claim was filed for each of these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

An *Objection* was filed for each of these rights by the Shoshone-Bannock Tribes on March 10, 2006. *Standard Forms 5* were filed on March 4, 2008. A *Notice of Completed Administrative Proceeding* was filed on July 29, 2008 changing ownership to Rock and Water Capital Partners LLC.

Subsequently, the Idaho Department of Water Resources notified the Court that it had conducted a review of its recommendations for Basin 27 and discovered that some corrections were needed. IDWR identified these water rights as having errors in the *Director's Report* recommendations and proposed that it be allowed to file *Amended Standard Forms 5*.

Multiple hearings were held. The claimants Rock and Water Capital Partners LLC failed to attend. At the hearing on January 27, 2010, the Idaho Department of Water Resources reported to the court that it has had no contact with the claimants in order to complete the necessary corrections.

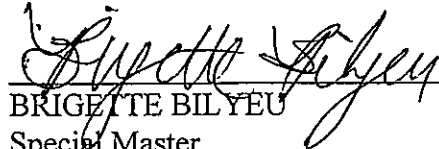
The court issued an *Order to Show Cause* and set a hearing on June 30, 2010. An *Order Setting Show Cause Hearing* was mailed to the Claimants explaining that failure to attend the hearing would result in these water rights being recommended as shown in the attached *Amended*

Standard Forms 5. The hearing was held on June 30, 2010. The claimants failed to attend the hearing, and thus failed to show why the Court should not issue *Special Master's Reports and Recommendations* recommending the elements as set forth in the *Amended Standard Forms 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Partial Decreases*.

DATED: July 15, 2010.


BRIGETTE BILYEU
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 27-12093

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUL 15 2010
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: ROCK AND WATER CAPITAL
PARTNERS LLC
115 2ND AVE
DECATOR, GA 30030

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS
1.69 AFY

The quantity of water under this right shall not exceed 13,000
gallons per day.
The rights listed below are limited to a total combined annual
diversion volume for stockwater of 2.36 af. Combined Right Nos.:
27-85A, 27-11992, 27-12093 and 27-12106.

PRIORITY DATE: 08/02/1891

POINT OF DIVERSION: T07S R43E S32 NENWNW (Instream Ending Point) Within Caribou County
NESESE (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-01 TO 11-01	0.02 CFS 1.69 AFY

PLACE OF USE:	Stockwater	Within Caribou County
	T07S R43E S32	SWNE NWNW NESE SESE
		NENW SENE NWSE

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.

RECOMMENDATION
JUL 15 2010
<i>Eric J. Wildman</i> SPECIAL MASTER

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

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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

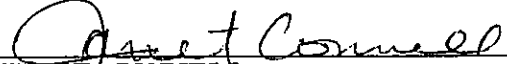
Water Right(s): 27-12093
27-12106

On July 15, 2010, Special Master BRIGETTE BILYEU
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 July 15, 2010.


JANET CONNELL
Deputy Clerk

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WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 15 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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s) : 27-12093
27-12106

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 July 15, 2010, with sufficient first-class postage prepaid to the following:

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

ROCK AND WATER CAPITAL
PARTNERS LLC
115 2ND AVE
DECATOR, GA 30030

SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202
Phone: 208-232-1922

CERTIFICATE OF MAILING

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STATE OF IDAHO

Represented by:

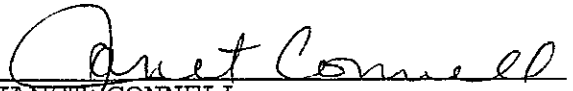
NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449


JANET CONNELL
Deputy Clerk