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OCT 29 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 28 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.: 22-13481,
	)	22-13482, 22-13483 and 22-13484
_____	)	

I. FINDINGS OF FACT

A notice of 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.

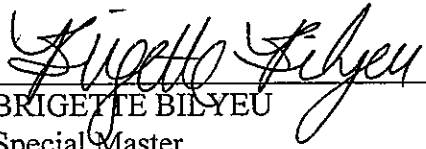
Objections were filed by Blaine and Nancy Huntsman and Evergreen Investment Utah, LLC. A *Motion to Withdraw as Counsel of Record* for Blaine and Nancy Huntsman and Evergreen Investment Utah LLC, was filed by Robert L. Harris on May 24, 2010. This *Motion* was supported by the *Affidavit of Robert L. Harris*. A hearing was held on the *Motion* on June 9, 2010. An *Order Granting Leave to Withdraw as Attorney of Record* was issued June 21, 2010. The *Order* required the Huntsmans and Evergreen Investments Utah LLC to provide written notification of how they would proceed in the case. The *Order* further stated an *Order to Show Cause* would issue if no notice was filed. The Huntsmans and Evergreen Investments Utah LLC did not provide such notice. Therefore, the court issued an Order to Show Cause why the court should not recommend these rights consistent with the proposed *Standard Forms 5*.

An *Order to Show Cause* hearing was held on October 27, 2010. Blaine and Nancy Huntsman and Evergreen Investment Utah, LLC failed to attend the hearing, and thus failed to show why the Court should not issue a *Special Master's Report and Recommendation* recommending the elements as set forth in the proposed *Standard Forms 5*. Therefore, these water rights will be recommended consistent with the proposed *Standard Forms 5*, and the Trial set on November 10, 2010 is **vacated**.

II. CONCLUSIONS OF LAW

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 Decree*.

DATED: October 28, 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

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

OCT 28 2010

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 22-13481

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: BLAINE HUNTSMAN
EVERGREEN INVESTMENT UTAH LLC
NANCY HUNTSMAN
2834 ETIENNE WAY
SANDY, UT 84093

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DEPARTMENT OF
WATER RESOURCES

SOURCE: UNNAMED STREAMS TRIBUTARY: FOX CREEK

QUANTITY: 0.45 CFS

PRIORITY DATE: 09/01/1968

POINT OF DIVERSION: T04N R45E S28 S33 SWSW Within Teton County
NWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.45 CFS

PLACE OF USE: Irrigation Within Teton County
T04N R45E S28 SWSW 17.0 SESW 18.0
35.0 Acres Total

Right Nos. 22-13481 and 22-13483 are limited to the irrigation of a combined total of 35 acres in a single irrigation season. This right is limited to the irrigation of 22.7 acres within the place of use described above 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.

RECOMMENDATION

OCT 28 2010

Digette Silvers
SPECIAL MASTER

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

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

OCT 28 2010

In Re SRBA)
Case No. 39576)

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

Water Right 22-13482

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: BLAINE HUNTSMAN
2834 ETIENNE WAY
SANDY, UT 84093

SOURCE: UNNAMED STREAMS TRIBUTARY: FOX CREEK

QUANTITY: 0.29 CFS

PRIORITY DATE: 09/01/1968

POINT OF DIVERSION: T04N R45E S28 S33 SWSW Within Teton County
NWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.29 CFS

PLACE OF USE:	Irrigation	Within Teton County
	T04N R45E S29	SENE 1.2 SESE 8.8 22.0 Acres Total
		NESE 12.0

Right Nos. 22-13482 and 22-13484 are limited to the irrigation of a combined total of 22 acres in a single irrigation season. This right is limited to the irrigation or 14.3 acres within the place of use described above 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

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RECOMMENDATION

OCT 28 2010

Bigelle Lilley
SPECIAL MASTER

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

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DEPARTMENT OF
WATER RESOURCES

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 22-13483

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

OCT 28 2010

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: BLAINE HUNTSMAN
EVERGREEN INVESTMENT UTAH LLC
NANCY HUNTSMAN
2834 ETIENNE WAY
SANDY, UT 84093

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DEPARTMENT OF
WATER RESOURCES

SOURCE: UNNAMED STREAM TRIBUTARY: FOX CREEK

QUANTITY: 0.25 CFS

PRIORITY DATE: 01/25/1938

POINT OF DIVERSION: T04N R45E S33 NWNE Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.25 CFS

PLACE OF USE:	Irrigation	Within Teton County
	T04N R45E S28 SWSW 17.0 35.0 Acres Total	SESW 18.0

Right Nos. 22-13481 and 22-13483 are limited to the irrigation of a combined total of 35 acres in a single irrigation season. This right is limited to the irrigation of 12.3 acres within the place of use described above 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

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RECOMMENDATION

OCT 28 2010

Bridgette Schrey
SPECIAL MASTER

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

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 28 2010
By _____ Clerk Deputy Clerk

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 22-13484

NAME AND ADDRESS: BLAINE HUNTSMAN
2834 ETIENNE WAY
SANDY, UT 84093

SOURCE: UNNAMED STREAM TRIBUTARY: FOX CREEK

QUANTITY: 0.15 CFS

PRIORITY DATE: 01/25/1938

POINT OF DIVERSION: T04N R4SE S33 NWNE Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.15 CFS

PLACE OF USE: Irrigation Within Teton County
T04N R4SE S29 SENE 1.2 NESE 12.0
SESE 8.8
22.0 Acres Total

Right Nos. 22-13482 and 22-13484 are limited to the irrigation of a combined total of 22 acres in a single irrigation season. This right is limited to the irrigation of 7.7 acres within the place of use described above 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.

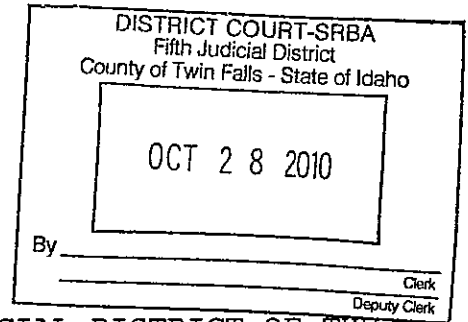
RECOMMENDATION
OCT 28 2010
<i>Eric J. Wildman</i> SPECIAL MASTER

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

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DEPARTMENT OF
WATER RESOURCES



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): 22-13481
22-13482 22-13483 22-13484

On October 28, 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 October 28, 2010.


JANET CONNELL
Deputy Clerk

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 28 2010
By _____ Clerk Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 22-13481
22-13482 22-13483 22-13484

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 October 28, 2010, with sufficient first-class postage prepaid to the following:

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

BLAINE HUNTSMAN
EVERGREEN INVESTMENT UTAH LLC
NANCY HUNTSMAN
2834 ETIENNE WAY
SANDY, UT 84093
Phone: 801-438-0240

CERTIFICATE OF MAILING


JANET CONNELL
Deputy Clerk

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10/28/10