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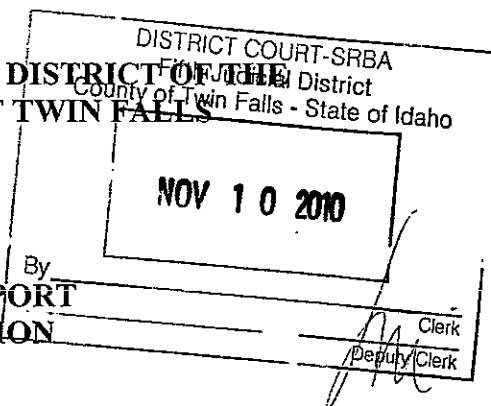
DEPARTMENT OF
WATER RESOURCES

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

) Subcase 75-10657
) (Butcher)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION



Findings of Fact

On November 10, 2000, former SRBA Presiding Judge Barry Wood entered a *Partial Decree* to Dennis Flock, James C. Clemens, Joan Beers and Phillip P. Hawkes for .04 cfs from groundwater for year-'round domestic use in Lemhi County with a priority date of September 15, 1978. On July 26, 2010, George and Lois Butcher, 25 Tom Boyle Road, Carmen, Idaho, 83462, wrote a letter to the Court seeking to "amend the claim" because of a mistake in the legal description of the place of use.

IDWR filed an *Amended Director's Report* on August 18, 2010, correcting the error and showing the new owners, the Butchers. It attached a proposed *Amended Partial Decree*. No one objected to the amended recommendation.

Conclusions of Law

The Butchers have shown good cause to set aside and amend the *Partial Decree* and are entitled to an amended partial decree adjudicating a water right as recommended by IDWR and as described in the attached *Special Master Recommendation for Amended Partial Decree for Water Right 75-10657*.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decree* be set aside and amended as described by IDWR.

DATED November 10, 2010.

A handwritten signature in black ink, reading "Terrence A. Dolan".

TERRENCE A. DOLAN
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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-10657

NAME AND ADDRESS: GEORGE BUTCHER
LOIS BUTCHER
25 TOM BOYLE RD
CARMEN, ID 83462

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 09/15/1978

POINT OF DIVERSION: T23N R22E S10 NENW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

DOMESTIC USE IS FOR 1 HOME AND UP TO ONE-HALF (1/2) ACRE OF
LAWN AND GARDEN IRRIGATION.

PLACE OF USE:	Domestic	Within Lemhi County
	T23N R22E S10	NWNE NENW

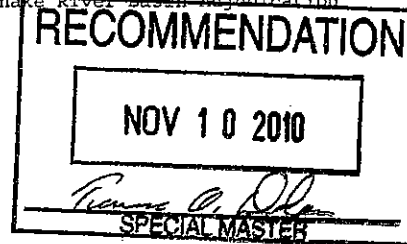
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

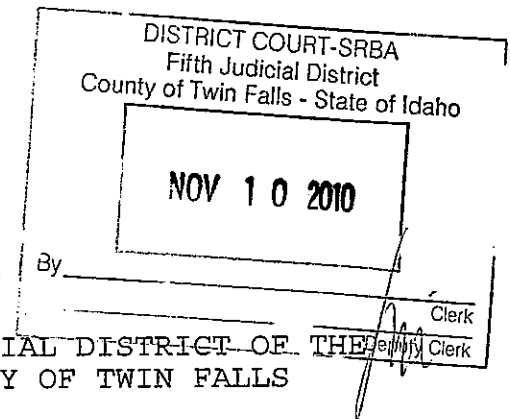
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT 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





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

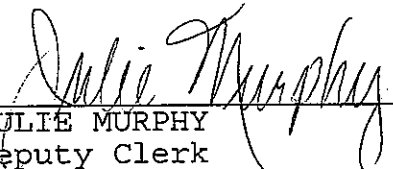
Water Right(s): 75-10657

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 November 10, 2010, with sufficient first-class postage prepaid to the following:

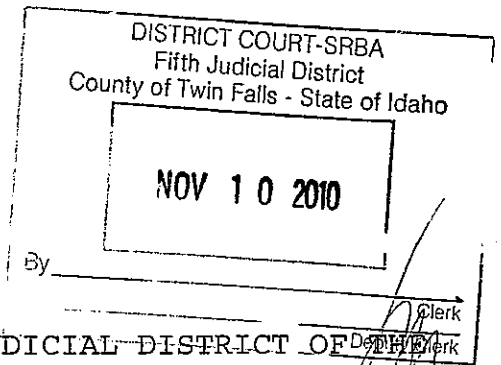
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

GEORGE BUTCHER
GEORGE L BUTCHER
LOIS BUTCHER
25 TOM BOYLE RD
CARMEN, ID 83462


JULIE MURPHY
Deputy Clerk

CERTIFICATE OF MAILING

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11/10/10



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
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

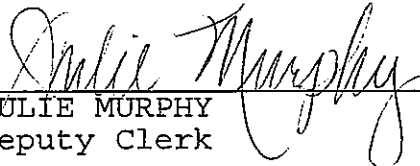
Water Right(s): 75-10657

On November 10, 2010, 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 November 10, 2010.


JULIE MURPHY
Deputy Clerk