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JUL 14 2011

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| JUL 13 2011                                                                             |
| Clerk<br>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      |
|                | ) |                                  |
|                | ) | FOR WATER RIGHTS: 37-862 and 37- |
|                | ) | 22255                            |

I. FINDINGS OF FACT

A notice of claim was filed for water right 37-862 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 a recommendation for the elements of this water right.

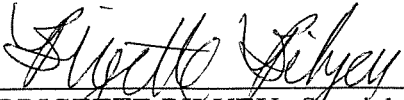
An *Objection* was filed for water right 37-862 by the Oliver Family Trust and Bill Molyneux, Gerald Bashaw, Grace Eakin, John F. Stevenson, Pepin Corso-Harris, Pete Van Der Meulen, Rocky Sherbine, and Tom O'Gara and the Big Wood Canal Company. A *Notice of Completed Administrative Proceeding* was filed on February 6, 2008 which split the former parent right 37-862 into assigned split right numbers 37-22255 and 37-22256.

The *Objections* for 37-22255 were resolved on June 27, 2011, with the filing of a *Standard Form 5*. All parties to the subcases and IDWR are signatories to the *Standard Form 5*. The court notes that a *Partial Decree* was issued for 37-22256 on January 31, 2011.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 37-862 not be confirmed in any partial or final decree. IT IS FURTHER RECOMMENDED that water right 37-22255 be decreed with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: July 13, 2011.

  
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

JUL 13 2011

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 37-22255

By \_\_\_\_\_ Clerk  
Deputy Clerk

NAME AND ADDRESS: PETER TRUST LP  
PO BOX 642  
SUN VALLEY, ID 83353

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 2.85 CFS

This right shall provide no more than 0.03 cfs per acre at the  
field headgate for irrigation of the lands in the place of use  
whenever sprinkler methods of irrigation are used.

PRIORITY DATE: 05/01/1883

POINT OF DIVERSION: T02N R18E S05 SENE Within Blaine County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-15 TO 10-31 | 2.85 CFS |

| PLACE OF USE: | Irrigation                       | Within Blaine County |
|---------------|----------------------------------|----------------------|
|               | T02N R18E S04 NWSW 7.2 SWSW 15.0 |                      |
|               | S05 NESE 35.0 SESE 6.5           |                      |
|               | 63.7 Acres Total                 |                      |

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 13 2011

*Bridgette Silbey*  
SPECIAL MASTER

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

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WATER RESOURCES

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| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| JUL 13 2011                                                                             |              |
| 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 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

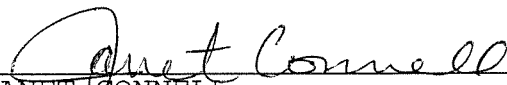
Water Right(s): 37-00862  
37-22255

On July 13, 2011, 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 13, 2011.

  
JANET CONNELL  
Deputy Clerk

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| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| JUL 13 2011                                                                             |
| By _____ Clerk<br>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) : 37-00862  
37-22255

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 13, 2011, with sufficient first-class postage prepaid to the following:

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

BILL MOLYNEUX  
GERALD BASHAW  
GRACE EAKIN  
JOHN F STEVENSON  
PEPIN CORSO-HARRIS  
PETE VAN DER MEULEN  
ROCKY SHERBINE  
TOM O GARA

Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

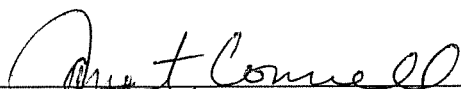
CERTIFICATE OF MAILING

PAGE 1  
07/13/11

OLIVER FAMILY TRUST  
Represented by:  
CHRISTOPHER H MEYER  
601 W BANNOCK ST  
PO BOX 2720  
BOISE, ID 83701-2720  
Phone: 208-388-1200

BIG WOOD CANAL COMPANY  
Represented by:  
CRAIG D. HOBDEY  
125 5TH AVE  
PO BOX 176  
GOODING, ID 83330  
Phone: 208-934-4429

PETER M THOMAS TRUST  
PETER TRUST  
PETER TRUST LP  
Represented by:  
EDWARD A LAWSON  
LAWSON LASKI CLARK POGUE PLLC  
675 SUN VALLEY RD STE A  
PO BOX 3310  
KETCHUM, ID 83340  
Phone: 208-725-0055

  
JANET CONNELL  
Deputy Clerk