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SEP 23 2011

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| SEP 22 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     | ) | SPECIAL MASTER'S REPORT AND |
|                | ) | RECOMMENDATION; FINDINGS OF |
| Case No. 39576 | ) | FACT AND CONCLUSIONS OF LAW |
|                | ) |                             |
|                | ) |                             |
|                | ) | FOR WATER RIGHT: 37-118     |
| _____          | ) |                             |

I. FINDINGS OF FACT

A notice of claim was filed for this water right 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 by John F. Stevenson on September 26, 2007. An *Amended Director's Report* was filed on December 30, 2010. An *Objection* was filed by Dean Rogers III on January 14, 2011. The *Objection* was resolved on August 31, 2011 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: September 22, 2011.

  
BRIGETTE BILYEU  
Special Master  
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

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| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| SEP 22 2011                                                                             |                       |
| By _____                                                                                | Clerk<br>Deputy Clerk |

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 37-00118

NAME AND ADDRESS: JOHN F STEVENSON  
36 HILLSIDE RANCH RD  
BELLEVUE, ID 83313

SOURCE: BUHLER DRAIN TRIBUTARY: STALKER CREEK

Water developed for this right resulted from drainage of a swamp  
by a ditch now known as the Buhler Drain (also locally known as  
the Rogers Ditch).

QUANTITY: 8.00 CFS

Rediversion from Stalker Creek in Section 28 is limited to the  
measured flow rate injected into Stalker Creek or 0.02 per acre  
for the lands served, whichever is less.

PRIORITY DATE: 07/01/1904

Pursuant to a call in times of scarcity, this right is senior to  
all other rights that did not result from saved or developed  
water in Silver Creek, as established and controlled by, and  
subject to, the provisions included within In Re: S C Frost et  
al vs Alturas Water Company et al decree (Lincoln County,  
entered 12-13-1909).

POINT OF DIVERSION: T01S R19E S20 SWNWNW Within Blaine County  
S28 SESENE (Rediversion)  
S29 SWSWENW (Injection)

The point of injection described above is where Buhler Drain  
water flows into Stalker Creek for rediversion from the pump  
further down Stalker Creek.

|                               |                |                |          |
|-------------------------------|----------------|----------------|----------|
| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|                               | Irrigation     | 04-15 TO 10-31 | 8.00 CFS |

|               |                   |                      |
|---------------|-------------------|----------------------|
| PLACE OF USE: | Irrigation        | Within Blaine County |
|               | T01S R19E S19     | NENE 3.0 SENE 28.0   |
|               |                   | NESE 25.0 SESE 29.0  |
|               | S20               | SWNW 6.0 NWSW 11.0   |
|               |                   | SWSW 28.0            |
|               | S27               | SWNW 28.0 NWSW 26.0  |
|               | S28               | SWNE 15.0 SENE 27.0  |
|               |                   | NESE 30.0 NWSE 10.0  |
|               |                   | SESE 22.0            |
|               | S29               | NWNW 32.0 SWNW 38.0  |
|               |                   | SENE 5.7 NESW 37.0   |
|               |                   | NWSW 38.0 NWSE 18.0  |
|               | S30               | NENE 34.0 SENE 32.0  |
|               | S33               | NENE 2.3             |
|               | 525.0 Acres Total |                      |

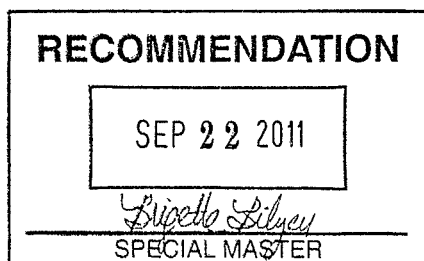
This right is limited to the irrigation of 300 acres within the  
place of use described above in a single irrigation season.  
The rights listed below are limited to the irrigation of a  
combined total of 525 acres in a single irrigation season.  
Combined Right Nos.: 37-118, 37-2576, 37-2681, and 37-7644.

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.



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

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| SEP 22 2011                                                                             |
| By _____<br>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 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

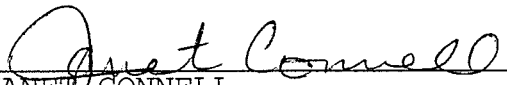
Water Right(s) : 37-00118

On September 22, 2011, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 September 22, 2011.

  
JANET CONNELL  
Deputy Clerk

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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 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 37-00118

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 September 22, 2011, with sufficient first-class postage prepaid to the following:

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

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

DEAN ROGERS III  
Represented by:  
LAIRD B. STONE  
PO BOX 83  
TWIN FALLS, ID 83303-0083  
Phone: 208-733-2722

CERTIFICATE OF MAILING

  
JANET CONNELL  
Deputy Clerk

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09/22/11