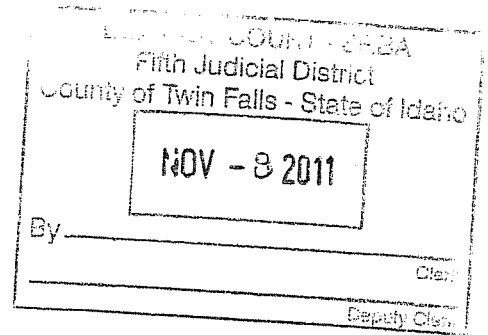


RECEIVED
NOV 09 2011
DEPARTMENT OF
WATER RESOURCES



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

) SPECIAL MASTER'S REPORT,
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW FOR WATER
) RIGHT 37-08165
)
) REPORT AND RECOMMENDATION
) OF DISALLOWANCE FOR 37-07426

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

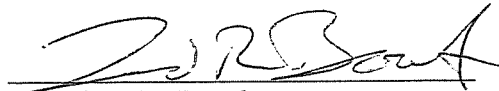
On March 10, 2006, the United States of America, Department of Interior, Bureau of Land Management, filed objections to the *Director's Report*. On October 3, 2011, the United States withdrew its objections. On August 3, 2011, IDWR filed a *Notice of Completed Administrative Proceeding* (NCAP) for each claim, recommending that water right claim 37-07426 be disallowed, and further that water right claim 37-08165 be decreed in accordance with a recently issued license. On October 18, 2011, a status conference was held at which the claimant stated on the record that it is in agreement with the information contained in the NCAPs.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein IT IS RECOMMENDED that water right 37-08165 be **decreed** with the elements as set forth in the attached *Recommendation for Partial*

Decree Pursuant to I.R.C.P. 54(b). IT IS FURTHER RECOMMENDED that the SRBA District Court enter a final order **disallowing** water right claim 37-07426 with prejudice.

Dated Nov 8, 2011



Theodore R. Booth
Special Master
Snake River Basin Adjudication

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 37-08165

PAGE 1
Nov-03-2011

PLACE OF USE (continued)

133.0 Acres Total

Commercial		Within Gooding County
T04S R13E S30	SENE	NESE
Fish Propagation		Within Gooding County
T04S R13E S30	NESE	
S31	NWNE	
Fish Propagation Storage		Within Gooding County
T04S R13E S30	SWSE	
Heating		Within Gooding County
T04S R13E S30	SENE	NESE
Aesthetic		Within Gooding County
T04S R13E S30	NESE	

Rights 37-810, 38-811, 37-4040, 37-4041 and 37-8165 when combined shall not exceed the irrigation of 133 acres.

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

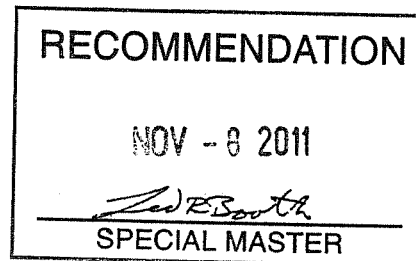
This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

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



Fifth Judicial District
 County of Twin Falls - State of Idaho
 NOV - 8 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

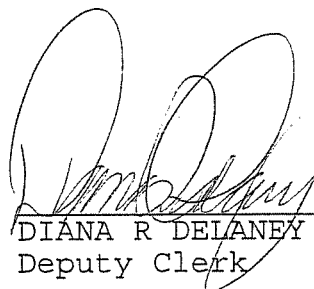
Water Right(s): 37-07426
 37-08165

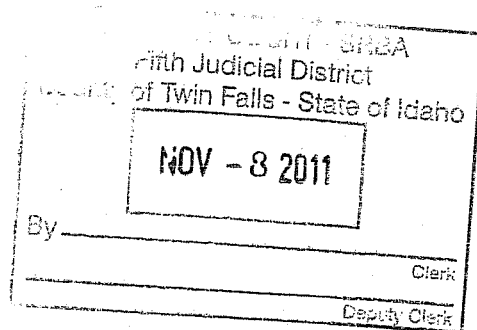
On November 07, 2011, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

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 November 07, 2011.


 DIANA R DELANEY
 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) : 37-07426
37-08165

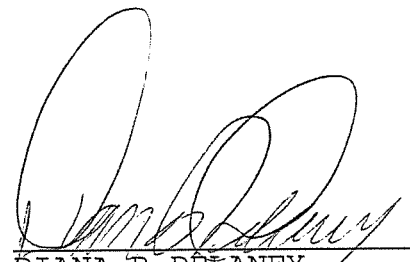
CERTIFICATE OF MAILING

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 08, 2011, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

MAGIC MFG INC
716 B E 4900 N
BUHL, ID 83316



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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11/07/11