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DEC 30 2011  
DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |              |
|-------------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| DEC 29 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     | ) | SPECIAL MASTER'S REPORT AND |
|                | ) | RECOMMENDATION; FINDINGS OF |
| Case No. 39576 | ) | FACT AND CONCLUSIONS OF LAW |
|                | ) |                             |
| _____          | ) | WATER RIGHT NO.: 37-463D    |

I. FINDINGS OF FACT

A 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.

No *Objection* was filed for this water right. This water right, however, is used in combination with water rights 37-35A, 37-454A, 37-463A, 37-463C, 37-728A, 37-730A, 37-2139A, 37-13261A, 37-13267A, 37-13268A, 37-13269A, and 37-13271A which were the subject of *Objections*. *Objections* were filed by Danny and Valerie Van Horn. The *Objections* were resolved with the filing of *Standard Forms 5*. All parties to the subcase and IDWR are signatories to the *Standard Forms 5*. Subsequently, a *Notice of Completed Administrative Proceeding* was filed for each water right on June 29, 2011 changing ownership to Smokey Dome LLC. *Amended Standard Forms 5* were filed on November 14, 2011. All parties to the subcase and IDWR are signatories to the *Amended Standard Forms 5*. There are no unresolved objections remaining in these subcases.

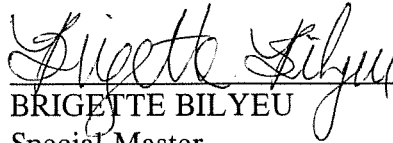
Water right 37-463D will be recommended consistent with the *Director's Report*. This Court notes that this water right was not included in the Basin 37 Part 2 General Provision. IDWR informed the court that this water right should be included in the Basin 37 Part 2 General Provision. Therefore, this court added the separate stream language to the recommendation.

## II. CONCLUSIONS OF LAW

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*.

The Special Master notes that John and Barbara Cristobal must file a separate motion to correct the General Provision Decree under Subcase No. 00-92037G2.

DATED: December 29, 2011.

  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

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

DEC 29 2011

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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 37-00463D

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

NAME AND ADDRESS: BARBARA CRISTOBAL  
JOHN CRISTOBAL  
875 N 18 E ST  
MOUNTAIN HOME, ID 83647

SOURCE: CORRAL CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 0.07 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION: T01N R13E S29 NESESW Within Camas County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-15 TO 10-31 | 0.07 CFS |

|               |                  |                     |
|---------------|------------------|---------------------|
| PLACE OF USE: | Irrigation       | Within Camas County |
|               | T01N R13E S32    | SWNE 36.0           |
|               | 46.0 Acres Total | SENE 10.0           |

This right is limited to the irrigation of 2.7 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 46 acres in a single irrigation season. Combined Right Nos.: 37-35B, 37-454B, 37-463D, 37-728B, 37-2139B, 37-13261B, 37-13267B, 37-13268B, 37-13269B, and 37-13271B.

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

This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

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).

RECOMMENDATION

DEC 29 2011

*Lupe L. Lacey*  
SPECIAL MASTER

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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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

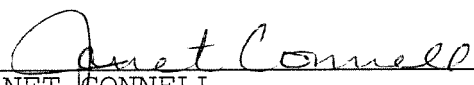
Water Right(s): 37-00463D

On December 29, 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 December 29, 2011.

  
JANET CONNELL  
Deputy Clerk

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 37-00463D

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 December 29, 2011, with sufficient first-class postage prepaid to the following:

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

BARBARA CRISTOBAL  
JOHN CRISTOBAL  
875 N 18 E ST  
MOUNTAIN HOME, ID 83647  
Phone: 208-587-8010

  
JANET CONNELL  
Deputy Clerk

CERTIFICATE OF MAILING

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12/29/11