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MAY 06 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAY - 3 2012
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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-07177

I. FINDINGS OF FACT

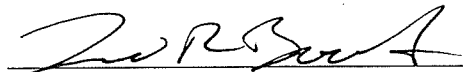
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An objection to the *Director's Report* was filed by the claimant Basin and Range Resource Company, LLC, through its attorney Dana L. Hofstetter. On April 24, 2013, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-07177 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated May 3, 2013


Theodore R. Booth
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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-07177

NAME AND ADDRESS: BASIN AND RANGE RESOURCE
COMPANY LLC
C/O DOROTHY TIMIAN PALMER
3480 G S RICHARDS BLVD #101
CARSON CITY, NV 89703

SOURCE: GROUND WATER

QUANTITY: 4.70 CFS
1570.50 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use. Rights 63-3182, 63-3308, 63-3583, 63-7177, 63-7349, and 63-7903 when combined shall not exceed a total diversion rate of 20.35 cfs, a total annual maximum diversion volume of 5733 af at the field headgate, and the irrigation of 1274 acres in a single irrigation season.

PRIORITY DATE: 12/12/1968

POINT OF DIVERSION: T06N R05W S22 SESW Within Payette County
S23 NWSESW
NWSESW
NWSWSE
SWNE
NWSW
NESE
NESE
S24 NWNW
T56N R05W S23 NESE

The following rights are diverted through points of diversion described above: 63-3182, 63-3308, 63-3583, 63-7177, 63-7349, and 63-7903.

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-01 TO 10-31 4.70 CFS
1570.50 AFY

The use of water for irrigation under this right may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: Irrigation Within Payette County
T06N R05W S13 SWSW 40.0
S14 SWSW 40.0 SESW 40.0
SWSE 40.0 SESE 40.0
S15 SESE 40.0
S22 NENE 40.0 NWNE 40.0
SWNE 40.0 SENE 40.0
NENW 40.0 SENW 40.0
NESW 40.0 SESW 40.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S23	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SESW 20.0	NESE 40.0
	NWSE 40.0	SWSE 20.0
S24	NWNW 40.0	SWNW 40.0
	NWSW 20.0	
1340.0 Acres Total		

The place of use within the SESW and SWSE of S23, T06N, R05W is limited to the north half of those quarter-quarters. This right is limited to the irrigation of 349 acres within the authorized place of use in a single irrigation season. The place of use within the NWSW of S24, T06N, R05W is limited to the west half of that quarter-quarter.

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

RECOMMENDATION

MAY - 3 2013

Eric J. Wildman
SPECIAL MASTER

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WATER RESOURCES

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-07177

On May 03, 2013, Special Master THEODORE R. BOOTH 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 May 03, 2013.



DIANA R DELANEY
Deputy Clerk

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Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-07177

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 May 03, 2013, with sufficient first-class postage prepaid to the following:

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

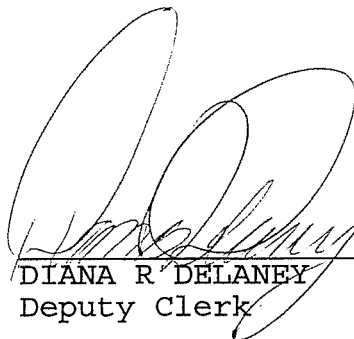
BASIN AND RANGE RESOURCE
BASIN RANGE AND RESOURCE

Represented by:
DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702-5509
Phone: 208-424-7800

UNITED STATES OF AMERICA

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

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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05/03/13