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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2005 JUL 26 AM 9 23

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) Subcases 72-2068 and 72-2068B
Case No. 39576) (Versalles Real Estate Corp.)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION
) and ORDER DISMISSING
) OBJECTION

Findings of Fact

72-2068

Clayton Silver Mines, Inc., filed a *Notice of Claim to a Water Right* on October 19, 1989, claiming 10 cfs from Kinnikinic Creek for year-'round industrial and power uses in Custer County with a priority date of October 18, 1928, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation and Other Uses, Reporting Area 4 (IDWR Basin 72)* on January 29, 1999. The Director recommended claim 72-2068 as filed. The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on June 2, 1999, objecting to place of use.

72-2068B

The Director filed his *Director's Report, Subcase No. 72-2068B* on June 30, 2004. The Director recommended 72-2068B be disallowed: "Recommended as right No. 72-2068." No one responded to this *Director's Report*.

Special Master Report and Order Disallowing

On February 15, 2000, former Special Master Thomas R. Cushman entered his *Special Master's Report, Findings of Fact and Conclusions of Law for Water Right 72-02068* recommending the claim be dismissed with prejudice. On April 25, 2000, former Presiding

Judge Barry Wood entered an *Order of Partial Decree Disallowing Water Right 72-02068*. However, on May 10, 2004, Presiding Judge John M. Melanson entered an *Order Setting Aside Order of Partial Decree Disallowing Water Right No. 72-02068; Order Consolidating Subcases 72-02068 and 72-02068B and Designating Subcase as 72-02068; Order Reinstating Objection to 72-02068 filed by the United States; Order of Recommitment to Special Master Terrence Dolan*.

Amended NCAP and BLM Notice of Voluntary Dismissal

IDWR filed an *Amended Notice of Completed Administrative Proceeding* in subcase 72-2068 on July 14, 2005, for a change in place of use and noting that the claimant is Versalles Real Estate Corp., c/o Andre Doyle, 725 N. Riverside Drive #201, Pompano Beach, Florida, 33062. The BLM filed a *Notice of Voluntary Dismissal of Objection* on July 21, 2005, based on the *Amended NCAP*.

Conclusions of Law

1. Versalles Real Estate Corp. is entitled to a partial decree adjudicating a water right as described in the *Amended NCAP* and the attached *Special Master Recommendation for Partial Decree for Water Right 72-2068*.
2. Claim 72-2068B should **not** be decreed a water right and the claim should be dismissed having been recommended as 72-2068.

Order

THEREFORE, IT IS ORDERED that the United States *Objection* in subcase 72-2068 is dismissed.

DATED July 26, 2005.



TERRENCE A. DOLAN
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
TWIN FALLS CO., IDAHO
FILED

2005 JUL 26 AM 9 24

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 72-02068

NAME AND ADDRESS: VERSALLES REAL ESTATE CORP
C/O ANDREE DOYLE
725 N RIVERSIDE DR #201
POMPANO BEACH, FL 33062

SOURCE: KINNIKINIC CREEK TRIBUTARY: SALMON RIVER

PRIOR TO THE DIVERSION AND USE OF WATER UNDER THIS APPROVAL, THE
RIGHT HOLDER SHALL COMPLY WITH ALL FISH SCREENING REQUIREMENTS OF
THE IDAHO DEPARTMENT OF FISH AND GAME.

QUANTITY: 10.00 CFS

AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER
SHALL RECORD THE QUANTITY OF WATER DIVERTED OR SHALL ENTER INTO
AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE THE AMOUNT OF WATER
DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE
INFORMATION TO THE DEPARTMENT.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER RIGHT 72-2068 SHALL NOT EXCEED 10.0 CFS.

PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT HOLDER
SHALL PROVIDE A MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPARTMENT
FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW
DETERMINATION OF THE TOTAL RATE OF DIVERSION.

PRIORITY DATE: 10/18/1928

POINT OF DIVERSION: T11N R17E S13 SESWNW Within Custer County
SENWSW

THE POINTS OF DIVERSION DESCRIBED IN THIS RIGHT LIE WITHIN
MS 3196.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	01-01 TO 12-31	0.33 CFS
	Power	01-01 TO 12-31	10.00 CFS

THIS RIGHT DOES NOT CONSTITUTE IDAHO PUBLIC UTILITIES COMMISSION
OR FEDERAL ENERGY REGULATORY COMMISSION APPROVAL THAT MAY BE
REQUIRED.

PRIOR TO THE DIVERSION AND USE OF WATER UNDER THIS APPROVAL, THE
RIGHT HOLDER SHALL COMPLY WITH APPLICABLE WATER QUALITY STANDARDS
OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

INDUSTRIAL USE IS FOR MILLING OF ORE. POWER USE IS FOR SMALL
HYDROPOWER PLANT.

PRIOR TO DIVERSION AND USE OF WATER UNDER THIS RIGHT, THE RIGHT
HOLDER SHALL COMPLY WITH ALL BONDING REQUIREMENTS OF APPROPRIATE
GOVERNMENTAL ENTITIES.

PLACE OF USE:	Industrial	Within Custer County
	T11N R17E S13	NWSW
	Power	Within Custer County
	T11N R17E S13	NWSW

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

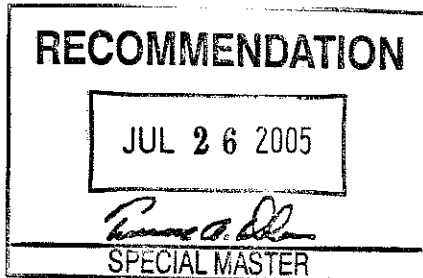
OTHER PROVISIONS (continued)

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY
TRANSFER 71708 BY APRIL 18, 2006.
FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF THIS
TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF THE
TRANSFER.

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.



John M. Melanson
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 72-02068
72-02068B

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 26, 2005, with sufficient first-class postage prepaid to the following:

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

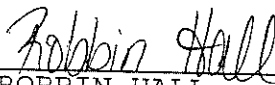
ANDREE DOYLE
VERSALLES REAL ESTATE CORP
Represented by:
THOMAS B. DOMINICK
SHORELINE CENTER, SUITE 100
1471 SHORELINE DRIVE
BOISE, ID 83702
Phone: 208-336-2844

ROLAND ROVETTO
BOX 31
CLAYTON, ID 83227
Phone: 208-838-2224

CERTIFICATE OF MAILING

PAGE 1
07/26/05

RSALLES REAL ESTATE CORP
O ANDREE DOYLE
5 N RIVERSIDE DR #201
MPANO BEACH, FL 33062



ROBBIN HALL
Deputy Clerk

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In Re SRBA)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

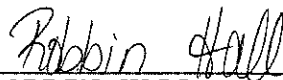
Water Right(s): 72-02068
72-02068B

On July 26, 2005, Special Master TERRENCE A. DOLAN 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 26, 2005.



ROBBIN HALL
Deputy Clerk