

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

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 45-02504

FILED

2005 NOV 22 PM 2 12

NAME AND ADDRESS: HOWARD R ADAMS & SONS INC  
496 W 1000 S  
BURLEY, ID 83318

SOURCE: GROUND WATER

RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS  
OF SECTION 42-235, IDAHO CODE AND APPLICABLE WELL CONSTRUCTION  
RULES OF THE DEPARTMENT.

QUANTITY: 1.60 CFS  
320.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 11.76 CFS AND TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 2869.6 AF. COMBINED RIGHT NOS.: 45-2377C,  
45-2392, 45-2504, 45-2605 & 45-4041.  
THE RIGHT HOLDER SHALL RECORD THE QUANTITY OF WATER DIVERTED AND  
ANNUALLY REPORT DIVERSIONS OF WATER AND/OR OTHER PERTINENT  
HYDROLOGIC AND SYSTEM INFORMATION AS REQUIRED BY SECTION 42-701,  
IDAHO CODE.  
THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO  
MORE THAN .02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE AT THE  
FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.  
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.  
THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF  
DIVERSION UNDER RIGHTS 45-2377C, 45-2392, 45-2411, 45-2412,  
45-2504, 45-2605, 45-2594A, 45-4041, 45-7439A AND 45-10365 SHALL  
NOT EXCEED 20.10 CFS, NOR A TOTAL COMBINED ANNUAL VOLUME OF 5812.  
8 AF.

PRIORITY DATE: 10/17/1955

POINT OF DIVERSION: T12S R21E S24 NENWNE Within Cassia County  
R22E S08 SWSNW  
SWNWSW  
SWSWSW  
SWSESW  
S09 NESW  
S18 SESWNE  
S19 NENENE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 03-15 TO 11-15 | 1.60 CFS<br>320.00 AFY |

| PLACE OF USE: | Irrigation    | Within Cassia County |
|---------------|---------------|----------------------|
|               | T12S R22E S07 | NESE 40.0 NWSE 40.0  |
|               |               | SESE 39.0            |
|               | S08           | NENE 40.0 NWNE 40.0  |
|               |               | SWNE 40.0 SENE 40.0  |
|               |               | NENW 40.0 NWNW 39.0  |
|               |               | SWNW 38.0 SENW 40.0  |
|               |               | NESW 40.0 NWSW 40.0  |

PLACE OF USE (continued)

|           |           |
|-----------|-----------|
| SWSW 39.0 | SESW 39.0 |
| NESE 40.0 | NWSE 40.0 |
| SWSE 39.0 | SESE 36.0 |

749.0 Acres Total

RIGHTS 45-2377C, 45-2392, 45-2504, AND 45-2605 WHEN COMBINED ARE LIMITED TO THE IRRIGATION OF 717.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 749 ACRES IN A SINGLE IRRIGATION SEASON.

COMBINED RIGHT NOS.: 45-2377C, 45-2392, 45-2504, 45-2605 & 45-4041.

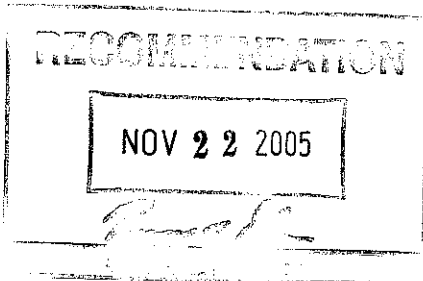
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.



John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

2005 NOV 22 PM 2 11

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 45-2377C, *et al.*  
 ) (see list of 10 subcases attached)  
Case No. 39576 ) (Howard R. Adams & Sons, Inc.)  
 )  
\_\_\_\_\_ ) SPECIAL MASTER REPORT

**Findings of Fact**

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004. The Director recommended the above ten claims to Howard R. Adams & Sons, Inc., 496 West, 1000 South, Burley, Idaho, 83318, for various amounts between .5 cfs and 5.6 cfs from groundwater to irrigate 1077.8 acres in Cassia County between March 15 and November 15 with priority dates between May 14, 1951, and June 30, 1985, based on licenses and beneficial uses.

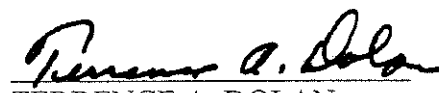
IDWR filed a *Notice of Completed Administrative Proceeding* on January 7, 2005, in all ten subcases for change in point of diversion. Howard R. Adams & Sons, Inc., was granted leave to file a late objection on May 6, 2005, objecting to quantity and place of use and alleging claim 45-2594 should not have been split. On November 7, 2005, Howard & Sons and IDWR filed a *Standard Form 5* for each claim.

**Conclusions of Law**

Howard R. Adams & Sons, Inc., is entitled to partial decrees adjudicating water rights for the above ten claims as described in the *SF-5's* and the attached *Special Master*

*Recommendations for Water Rights.*

DATED November 22, 2005.

  
TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2005 NOV 22 PM 2 12

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): 45-02377C

45-02392 45-02411 45-02412

45-02504 45-02594A 45-02605

45-04041 45-07439A 45-10365

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 22, 2005, with sufficient first-class postage prepaid to the following:

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

HOWARD R ADAMS & SONS INC

Represented by:

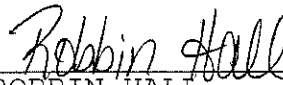
ROGER D LING

615 H ST

PO BOX 396

RUPERT, ID 83350-0396

Phone: 208-436-4717

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

CERTIFICATE OF MAILING

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11/22/05

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
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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

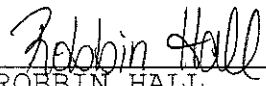
Water Right(s): 45-02377C  
45-02392 45-02411 45-02412  
45-02504 45-02594A 45-02605  
45-04041 45-07439A 45-10365

On November 22, 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 November 22, 2005.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk