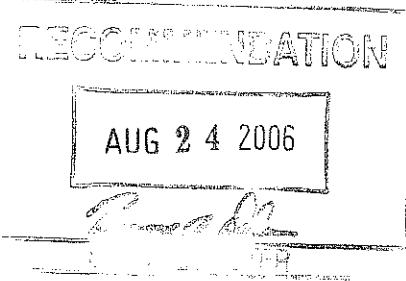




RULE 54(b) CERTIFICATE

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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AUG 25 2006

DEPARTMENT OF  
WATER RESOURCES

2006 AUG 24 PM 2: 52

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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 45-93, <i>et al.</i>
	) [see list of 17 subcases attached]
Case No. 39576	) (Oakley Canal Co.)
	)
_____	) 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 17 claims to the Oakley Canal Company, P.O. Box 207, Oakley, Idaho, 83346, for various amounts between .13 cfs and 2580 cfs from Goose Creek for irrigation of a total of 27,550 acres in Cassia County from March 15 to November 15 with various priority dates between April 1, 1875, and January 1, 1935, based on a decree, license or beneficial use.

Tim Payton of the Birch Creek Waterusers filed an *Objection* in subcase 45-2063 on December 30, 2004, objecting to point of diversion, period of year. The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* in each subcase on January 6, 2005, objecting to or place of use.

On March 21, 2006, the Special Master entered an ***Order Granting Withdrawal of Objection*** based on Mr. Payton's *Notice of Withdrawal of Objection*. The Oakley Canal Company and the United States, with IDWR's concurrence, file a *Standard Form 5* in each of subcase with the following language:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A

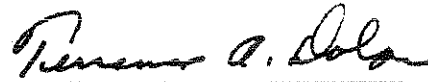
map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the area served by Oakley Canal Company.

#### **Conclusions of Law**

The Oakley Canal Company is entitled to partial decrees adjudicating water rights for the above 17 claims as described in the *SF-5*'s and the attached *Special Master Recommendations for Partial Decrees for Water Rights*.

DATED August 24, 2006.



---

TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

45-00093  
45-00094  
45-00132  
45-00133  
45-02040  
45-02059  
45-02060  
45-02062  
45-02063  
45-12438  
45-12443  
45-12448  
45-12449  
45-12455  
45-12457  
45-12749  
45-12750



# Idaho Department of Water Resources

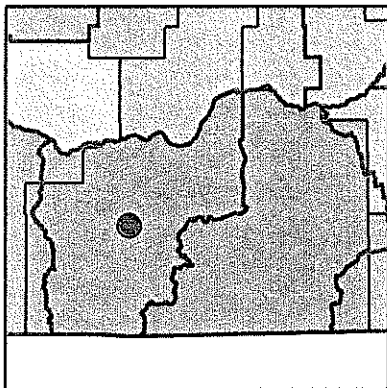
Oakley Canal Company  
Service Area Boundary

*Recommended Place of Use*

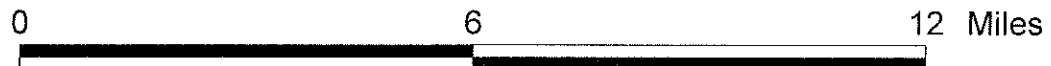
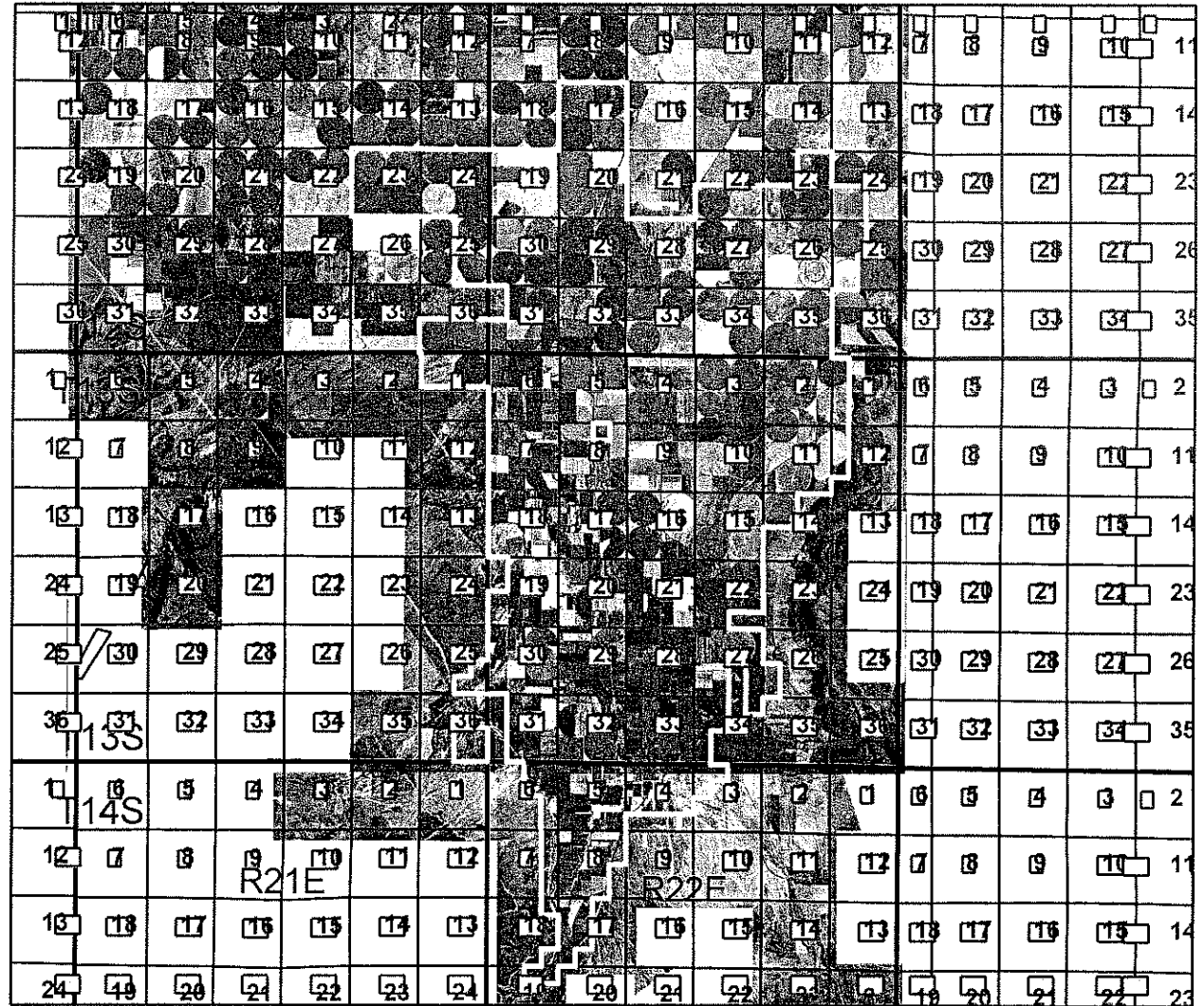
## Legend

Recommended Place of Use

- Township/Range Lines
- Section Lines



Cassia County  
IDWR Basin 45



Prepared by D. Shaff  
On Monday, August 22, 2005  
1987/88 Aerial Photography

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DEPARTMENT OF  
WATER RESOURCES

2006 AUG 24 PM 2:52

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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): 45-00093  
(SEE ATTACHED EXHIBIT A)

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 August 24, 2006, 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

OAKLEY CANAL CO  
Represented by:  
WILLIAM A. PARSONS  
137 W 13TH ST  
PO BOX 910  
BURLEY, ID 83318  
Phone: 208-678-8382

CERTIFICATE OF MAILING

*Robbin Hall*  
ROBBIN HALL  
Deputy Clerk

PAGE 1  
08/24/06

Exhibit A

Subcase Nos:

45-00093  
45-00094  
45-00132  
45-00133  
45-02040  
45-02059  
45-02060  
45-02062  
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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): 45-00093  
(SEE ATTACHED EXHIBIT A)

On August 24, 2006, 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 August 24, 2006.

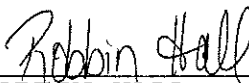
  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

Exhibit A

Subcase Nos:

45-00093  
45-00094  
45-00132  
45-00133  
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