

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 45-12449

NAME AND ADDRESS: OAKLEY CANAL CO
PO BOX 207
OAKLEY, ID 83346

SOURCE: GOOSE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2580.00 CFS

PRIORITY DATE: 11/01/1880

POINT OF DIVERSION: T14S R22E S17 SWNWSW (Rediversion) Within Cassia County
S19 NWNENE (Rediversion)
SWNENE

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 25.80 CFS

PLACE OF USE: Irrigation Within Cassia County
T14S R22E S03 SWNW
S04 LOT 1 (NENE) LOT 2 (NWNE)
SWNE SENE
LOT 3 (NENW) LOT 4 (NWNW)
SWNW SENW
NESW NWSW
NESE NWSE
S05 LOT 1 (NENE) LOT 2 (NWNE)

Use of the rights listed below is limited to the irrigation of a combined total of 27,550 acres in a single irrigation season. Combined right nos.: 45-93, 45-94, 45-132, 45-133, 45-2040, 45-2059, 45-2060, 45-2062, 45-2063, 45-12438, 45-12443, 45-12448, 45-12449, 45-12455, 45-12457, 45-12749, & 45-12750. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1,290.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
27550 ACRES TOTAL

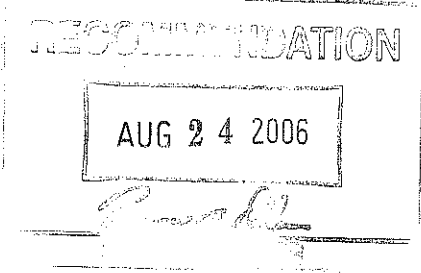
Place of use is within the area served by Oakley Canal Company. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are 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.

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

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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, *et al.*
) [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

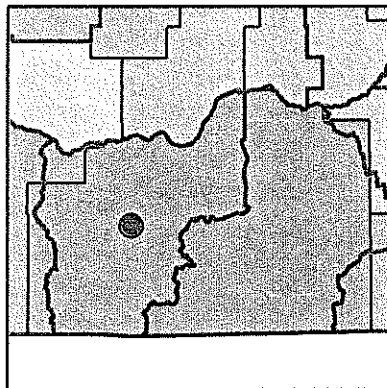


Idaho Department of Water Resources

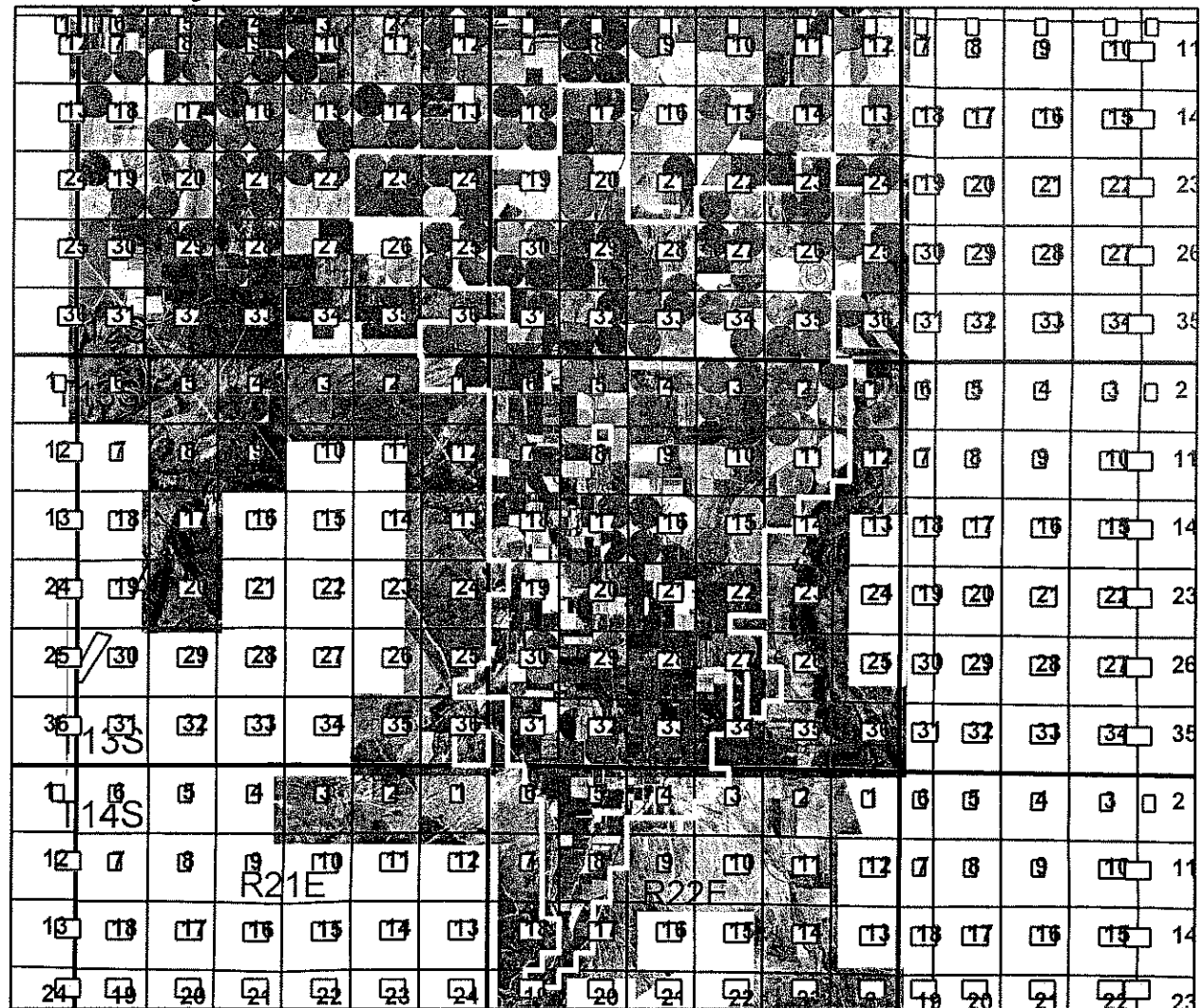
Oakley Canal Company
Service Area Boundary

Recommended Place of Use

Legend



Cassia County
IDWR Basin 45



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

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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)

CERTIFICATE OF MAILING

Case No. 39576)

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
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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

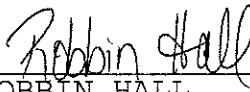
Water Right(s): 45-00093
(SEE ATTACHED EXHIBIT A)

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:

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