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DEC 20 2006

DEPARTMENT OF
WATER RESOURCES

2006 DEC 19 PM 1:00

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-08402
) and 63-09658

I. FINDINGS OF FACT

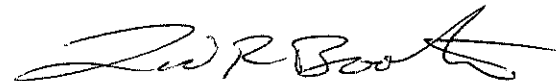
A notice of claim was filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these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

On April 11, 2006, the claimant of these water rights, the Lakewood No. 4 Homeowners Association, filed objections to the *Director's Report*. On December 1, 2006, the parties to the subcases filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred in the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-08402 and 63-09658 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated December 18, 2006



Theodore R. Booth
Special Master
Snake River Basin Adjudication

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TWIN FALLS CO. IDAHO
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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 63-08402

NAME AND ADDRESS: LAKEWOOD NO 4 HOMEOWNERS ASSOC
3156 WOODBROOK PL
BOISE, ID 83706

SOURCE: GROUND WATER

QUANTITY: 0.30 CFS

The total instantaneous diversion of water from all points of diversion under Rights 63-8402, 63-9658 and 63-10818 shall not exceed 0.42 cfs, nor a total combined stored volume of 2.0 af, nor a total combined annual volume of 26.1 af for irrigation. Rights 63-8402 and 63-10818 when combined for irrigation purposes shall not exceed a total diversion rate of 0.12 cfs, a total annual diversion volume of 26.1 af.

PRIORITY DATE: 01/11/1977

POINT OF DIVERSION: T03N R02E S26 NENW Within Ada County
NENW

Rights 63-9658 and 63-10818 are also diverted through the points of diversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.10 CFS 21.40 AFY
Aesthetic	01-01 TO 12-31	0.30 CFS
Aesthetic Storage	01-01 TO 12-31	1.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK 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 Ada County
T03N R02E S26 NENW 5.0
5.0 Acres Total

Aesthetic Within Ada County
T03N R02E S26 NENW

Aesthetic Storage Within Ada County
T03N R02E S26 NENW

USE OF THIS RIGHT WITH RIGHT NO. 63-10818 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 5.8 ACRES 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

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

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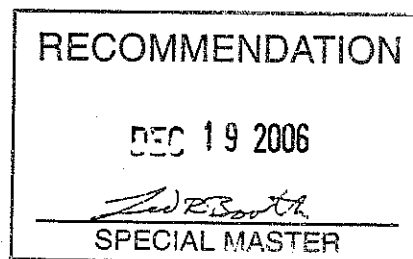
OTHER PROVISIONS (continued)

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 Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-09658

NAME AND ADDRESS: LAKEWOOD NO 4 HOMEOWNERS ASSOC
3156 WOODBROOK PL
BOISE, ID 83706

SOURCE: GROUND WATER

QUANTITY: 0.42 CFS

The total instantaneous diversion of water from all points of
diversion under Rights 63-8402, 63-9658 and 63-10818 shall not
exceed 0.42 cfs, nor a total combined stored volume of 2.0 af
nor a total combined annual volume of 26.1 af for irrigation.

PRIORITY DATE: 03/01/1981

POINT OF DIVERSION: T03N R02E S26 NENW Within Ada County
NENW

Rights 63-8402 and 63-10818 are also diverted through the points
of diversion described above.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Aesthetic Storage	01-01 TO 12-31	1.00 AFY
	Diversion to Storage	10-01 TO 04-15	0.42 CFS

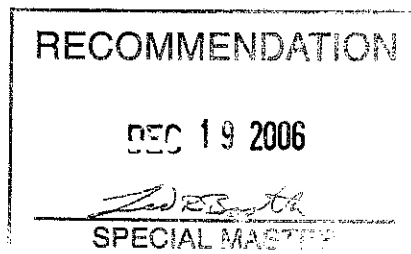
PLACE OF USE: Aesthetic Storage Within Ada County
T03N R02E S23 SESW
S26 NENW

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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TWIN FALLS CO. IDAHO
FILED *[Signature]*

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 63-08402

63-09658

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 December 19, 2006, with sufficient first-class postage prepaid to the following:

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

LAKEWOOD NO 4 HOMEOWNERS ASSOC
3156 WOODBROOK PL
BOISE, ID 83706
Phone: 208-363-0208

[Signature: Debbie Lash]
DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
12/19/06

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

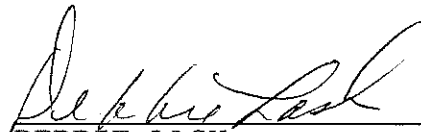
Water Right(s): 63-08402
63-09658

On December 19, 2006, 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 December 19, 2006.


DEBBIE LASH
Deputy Clerk