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DEPARTMENT OF  
WATER RESOURCES

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

2007 APR 9 PM 3 19

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 ) SPECIAL MASTER'S REPORT  
Case No. 39576 )  
 ) FINDINGS OF FACT AND  
 ) CONCLUSIONS OF LAW  
 )  
 ) FOR WATER RIGHTS 77-04178  
 ) and 77-10126

I. FINDINGS OF FACT

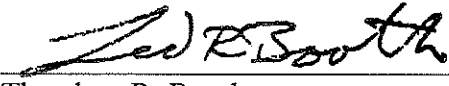
A notice of claim was filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these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

On July 28, 2006, the United States of America, Department of Agriculture, Forest Service, filed an objection to the *Director's Report* for water right claim 77-04178, asserting that the point of diversion was incorrectly described. Water right claim 77-10126 was identified by IDWR as an uncontested overlap. On March 21, 2007, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in subcase 77-04178, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water rights 77-04178 and 77-10126 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated April 9, 2007

  
Theodore R. Booth  
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

2007 APR 9 PM 3 19

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 77-04178

NAME AND ADDRESS: GERALD WILLIAMS  
FLORIDA LIVING  
600 EDGEHILL PLACE  
APOPKA, FL 32703

SOURCE: SPLETTS CREEK TRIBUTARY: CASTLE CREEK

QUANTITY: 1.05 CFS  
1.00 AFY

Right Nos. 77-4178 and 77-10126 are limited to a total combined  
diversion rate of 1.05 cfs.

The quantity of water under this right for domestic and  
stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1919

POINT OF DIVERSION: T17N R17E S11 LOT 5 (SENE ) Within Lemhi County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY |
|----------------|-------------------------|----------------|----------|
|                | Irrigation              | 04-01 TO 10-31 | 0.93 CFS |
|                | Stockwater              | 01-01 TO 12-31 | 0.02 CFS |
|                | Domestic                | 01-01 TO 12-31 | 0.02 CFS |
|                | Recreation              | 01-01 TO 12-31 | 0.01 CFS |
|                | Recreation Storage      | 01-01 TO 12-31 | 1.00 AFY |
|                | Fire Protection         | 01-01 TO 12-31 | 1.00 CFS |
|                | Fire Protection Storage | 01-01 TO 12-31 | 1.00 AFY |
|                | Diversion to Storage    | 01-01 TO 12-31 | 1.05 CFS |

| PLACE OF USE:           |           |           |                     |
|-------------------------|-----------|-----------|---------------------|
| Irrigation              |           |           | Within Lemhi County |
| T17N R17E S11           | SWNE 10.0 | SENE 14.0 |                     |
|                         | NESW 6.0  | NWSE 1.0  |                     |
| 31.0 Acres Total        |           |           |                     |
| Stockwater              |           |           | Within Lemhi County |
| T17N R17E S11           | NESW      |           |                     |
| Domestic                |           |           | Within Lemhi County |
| T17N R17E S11           | SENE      |           |                     |
| Recreation              |           |           | Within Lemhi County |
| T17N R17E S11           | NESW      |           |                     |
| Recreation Storage      |           |           | Within Lemhi County |
| T17N R17E S11           | NESW      |           |                     |
| Fire Protection         |           |           | Within Lemhi County |
| T17N R17E S11           | NESW      |           |                     |
| Fire Protection Storage |           |           | Within Lemhi County |
| T17N R17E S11           | NESW      |           |                     |
| Diversion to Storage    |           |           | Within Lemhi County |
| Same as Other Use       |           |           |                     |

Right Nos. 77-4178 and 77-10126 are limited to the irrigation of  
a combined total of 31 acres in a single irrigation season.

PLACE OF USE (continued)

Places of use are all on Homestead Entry Survey No. 325.

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

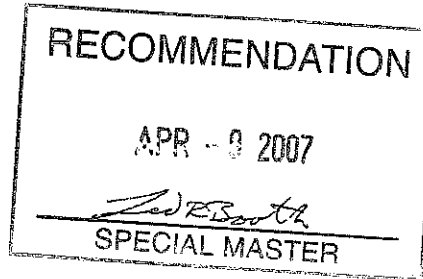
The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

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



DISTRICT COURT - SRBA  
TWIN FALLS CO. IDAHO  
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
**FILED**

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 77-10126

2007 APR 9 PM 3 19

NAME AND ADDRESS: GERALD WILLIAMS  
FLORIDA LIVING  
600 EDGEHILL PLACE  
APOPKA, FL 32703

SOURCE: CASTLE CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 1.05 CFS

Right Nos. 77-4178 and 77-10126 are limited to a total combined  
diversion rate of 1.05 cfs.  
The quantity of water under this right for domestic and  
stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1919

POINT OF DIVERSION: T17N R17E S12 NENW Within Lemhi County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY |
|----------------|-------------------------|----------------|----------|
|                | Irrigation              | 04-01 TO 10-31 | 0.93 CFS |
|                | Stockwater              | 01-01 TO 12-31 | 0.02 CFS |
|                | Domestic                | 01-01 TO 12-31 | 0.02 CFS |
|                | Recreation              | 01-01 TO 12-31 | 0.01 CFS |
|                | Recreation Storage      | 01-01 TO 12-31 | 1.00 AFY |
|                | Fire Protection Storage | 01-01 TO 12-31 | 1.00 AFY |
|                | Diversion to Storage    | 01-01 TO 12-31 | 1.05 CFS |

PLACE OF USE: Irrigation Within Lemhi County  
T17N R17E S11 SWNE 10.0 SENW 14.0  
NESW 6.0 NWSE 1.0  
31.0 Acres Total

Stockwater Within Lemhi County  
T17N R17E S11 NESW

Domestic Within Lemhi County  
T17N R17E S11 SENW

Recreation Within Lemhi County  
T17N R17E S11 NESW

Recreation Storage Within Lemhi County  
T17N R17E S11 NESW

Fire Protection Storage Within Lemhi County  
T17N R17E S11 NESW

Diversion to Storage Within Lemhi County  
Same as Other Use

Right Nos. 77-4178 and 77-10126 are limited to the irrigation of  
a combined total of 31 acres in a single irrigation season.

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

The quantity of water decreed for this water right for domestic  
use and stockwater use is not a determination of historical

OTHER PROVISIONS (continued)

beneficial use.

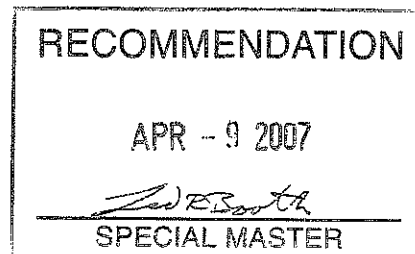
Property is known as Homestead Entry Survey No. 325.

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

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



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

2007 APR 9 PM 3 20

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

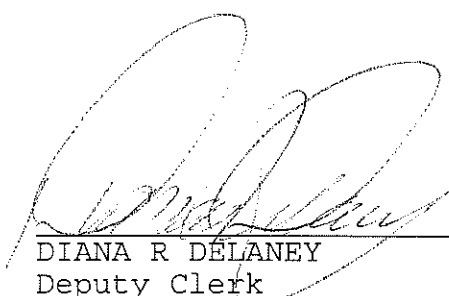
Water Right(s): 77-04178  
77-10126

On April 09, 2007, 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 April 09, 2007.

  
\_\_\_\_\_  
DIANA R DELANEY  
Deputy Clerk

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

2007 APR 9 PM 3 20

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): 77-04178

77-10126

CERTIFICATE OF MAILING

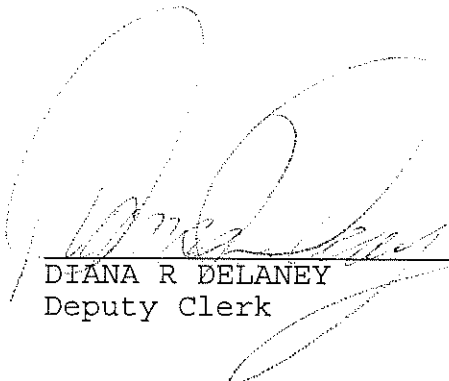
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 09, 2007, with sufficient first-class postage prepaid to the following:

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

GERALD WILLIAMS  
FLORIDA LIVING  
600 EDGEHILL PLACE  
APOPKA, FL 32703

CERTIFICATE OF MAILING

  
DIANA R DELANEY  
Deputy Clerk

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04/09/07