

2007 AUG 1 PM 2 51

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 63-00192,
) 63-00216C, and 63-19425

I. FINDINGS OF FACT

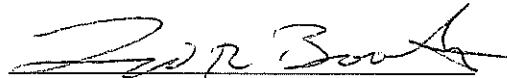
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these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

On April 21, 2006, the United States of America, Department of Interior, Bureau of Reclamation, filed objections to the *Director's Report*, seeking modification of the remark under the season of use element. On the same date, the Boise Project Board of Control filed similar objections. An *Order to Show Cause* was issued upon the claimant's failure to appear at the June 5, 2007, status conference in the subcases. A hearing on the *Order to Show Cause* was held on July 24, 2007, at which the claimant failed to appear.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the terms of the *Order to Show Cause*, IT IS RECOMMENDED that water rights 63-00192, 63-00216C, and 63-19425 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated August 1, 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-19425

2007 AUG 1 PM 2 51

NAME AND ADDRESS: WARM SPRINGS DITCH CO
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN, ID 83646

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 5.06 CFS

The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs, for the irrigation 449 acres and diversion to aesthetic storage.

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

RIGHTS 63-192, 63-216C AND 63-19425 AUTHORIZE THE DIVERSION OF AN ANNUAL TOTAL OF 37.8 AF TO BE USED FOR THE REPLACEMENT OF LOSSES CAUSED BY EVAPORATION FROM THE 13.0 ACRE TOTAL SURFACE AREA OF PONDS ESTABLISHED UNDER RIGHT 63-31690.

PRIORITY DATE: 06/01/1882

POINT OF DIVERSION: T03N R02E S05 LOT 11 (NESE) Within Ada County
T04N R01E S22 LOT 6 (SENW)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	4.92 CFS
	Aesthetic Storage	01-01 TO 12-31	24.60 AFY
	Diversion to Storage	03-01 TO 11-15	0.14 CFS

Diversion for irrigation and aesthetic storage under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for

PURPOSE AND PERIOD OF USE (continued)

storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

Aesthetic Storage

Within Ada County

T04N R01E S19 LOT 1	(NENE)	
S20 LOT 7	(SWNE)	LOT 8 (SENE)
LOT 5	(NWNW)	SWNW
LOT 6	(SENW)	NESE
	NWSE	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 449 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. The boundary encompassing the irrigation 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.

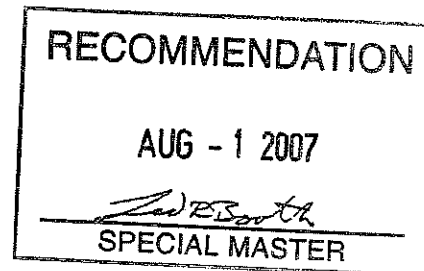
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-00192

2007 AUG 1 PM 2 51

NAME AND ADDRESS: WARM SPRINGS DITCH CO
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN, ID 83646

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.30 CFS

The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

RIGHTS 63-192, 63-216C AND 63-19425 AUTHORIZE THE DIVERSION OF AN ANNUAL TOTAL OF 37.8 AF TO BE USED FOR THE REPLACEMENT OF LOSSES CAUSED BY EVAPORATION FROM THE 13.0 ACRE TOTAL SURFACE AREA OF PONDS ESTABLISHED UNDER RIGHT 63-31690.

PRIORITY DATE: 06/01/1876

POINT OF DIVERSION: T03N R02E S05 LOT 11 (NESE) Within Ada County
T04N R01E S22 LOT 6 (SENW)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	2.24 CFS
Aesthetic Storage	01-01 TO 12-31	11.20 AFY
Diversion to Storage	03-01 TO 11-15	0.06 CFS

Diversion for irrigation and aesthetic storage under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for

PURPOSE AND PERIOD OF USE (continued)

storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

Aesthetic Storage

Within Ada County

T04N R01E S19 LOT 1	(NENE)		
S20 LOT 7	(SWNE)	LOT 8	(SENE)
LOT 5	(NWNW)		SWNW
LOT 6	(SENW)		NESE
	NWSE		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 449 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. The boundary encompassing the irrigation 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.

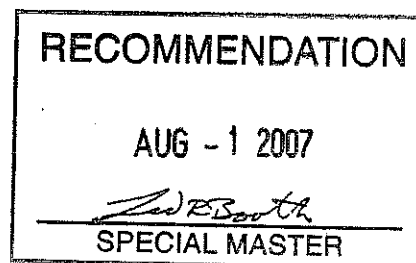
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 AUG 1 PM 2 51

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-00216C

NAME AND ADDRESS: WARM SPRINGS DITCH CO
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN, ID 83646

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.40 CFS

The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216c and 63-19425 shall not exceed 7.76 cfs, for the irrigation of 449 acres and diversion to aesthetic storage.

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

RIGHTS 63-192, 63-216C AND 63-19425 AUTHORIZE THE DIVERSION OF AN ANNUAL TOTAL OF 37.8 AF TO BE USED FOR THE REPLACEMENT OF LOSSES CAUSED BY EVAPORATION FROM THE 13.0 ACRE TOTAL SURFACE AREA OF PONDS ESTABLISHED UNDER RIGHT 63-31690.

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION: T03N R02E S05 LOT 11 (NESE) Within Ada County
T04N R01E S22 LOT 6 (SENW)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.39 CFS
	Aesthetic Storage	01-01 TO 12-31	2.00 APY
	Diversion to Storage	03-01 TO 11-15	0.01 CFS

Diversion for irrigation and aesthetic storage under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for

PURPOSE AND PERIOD OF USE (continued)

storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

Aesthetic Storage

Within Ada County

T04N R01E S19 LOT 1	(NENE)	LOT 8	(SENE)
S20 LOT 7	(SWNE)		
LOT 5	(NWNW)		SWNW
LOT 6	(SENW)		NESE
	NWSE		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 449 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. The boundary encompassing the irrigation 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.

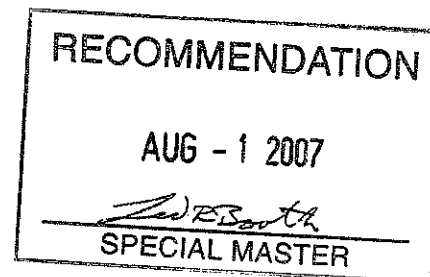
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

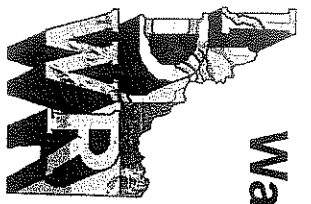
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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





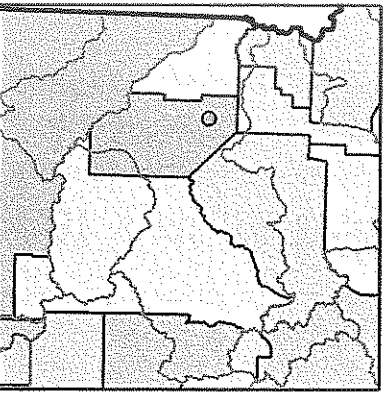
Warm Springs Ditch Co

SRBA Recommendations: 63-192, 63-216C, 63-19425

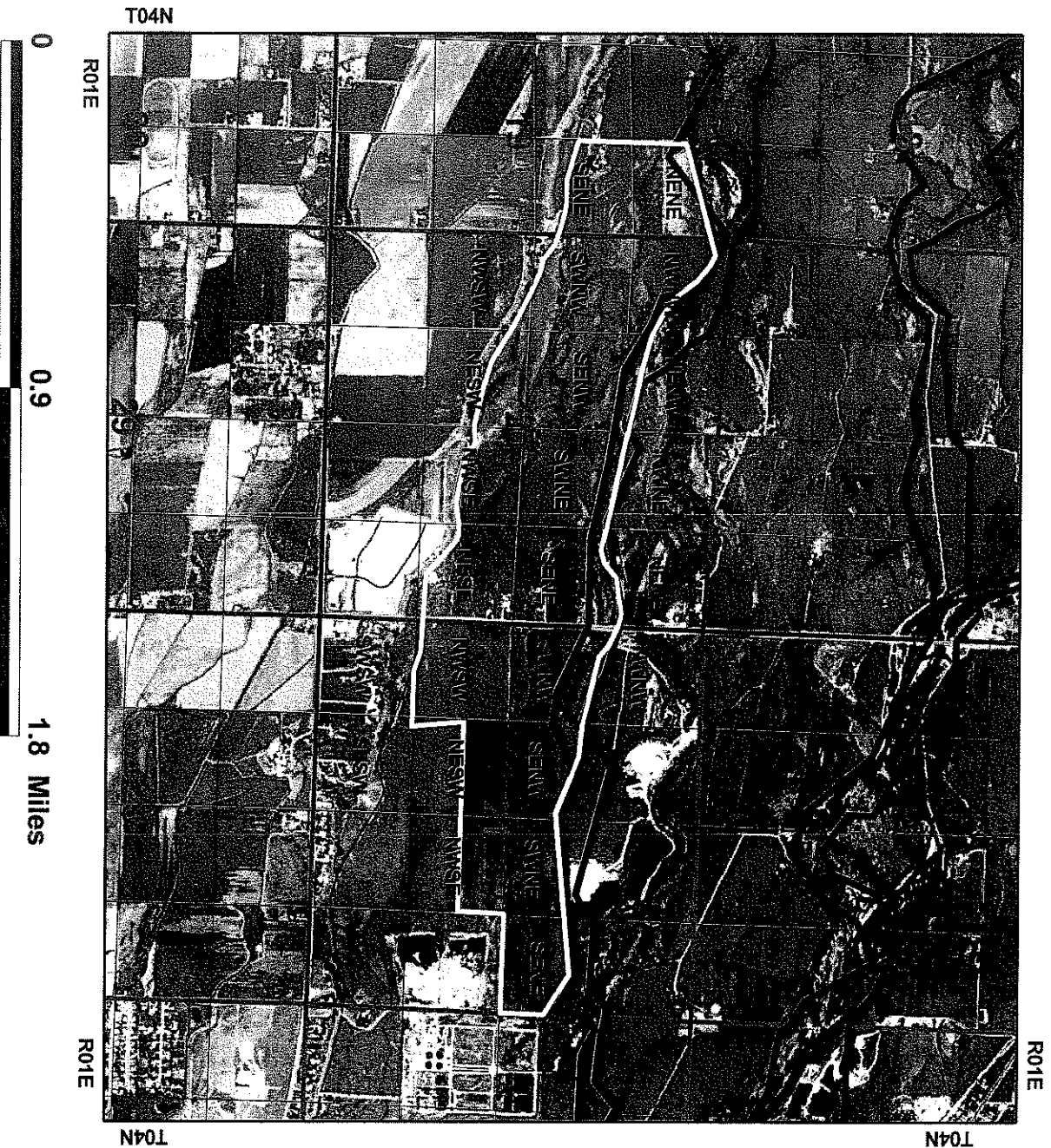
Service Area Boundary
GIS Place of Use Illustration

Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Ada County
IDWR Basin 63



Prepared by S. Egbert
On Friday, July 27, 2007
1987/88 Aerial Photography

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 AUG 1 PM 2 51

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

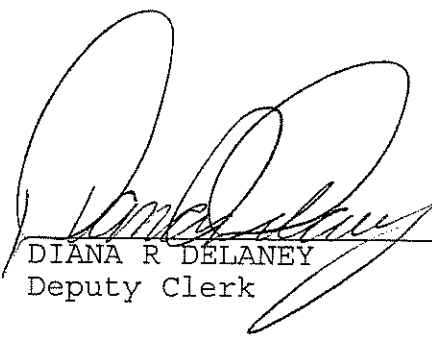
Water Right(s): 63-00192
63-00216C 63-19425

On August 01, 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 August 01, 2007.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 AUG 1 PM 2 51

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): 63-00192
63-00216C 63-19425

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 01, 2007, with sufficient first-class postage prepaid to the following:

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

BOISE PROJECT BOARD OF CONTROL
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CERTIFICATE OF MAILING

PAGE 1
08/01/07

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

USDI BUREAU OF RECLAMATION

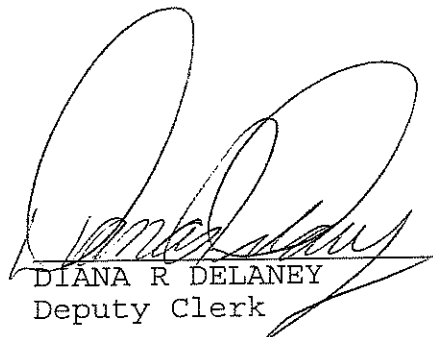
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

WARM SPRINGS DITCH CO

C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN, ID 83646
Phone: 208-884-2002

WARM SPRINGS DITCH CO

C/O HOFF COMPANIES INC
1840 N LAKES AVE
MERIDIAN, ID 83642
Phone: 208-884-2002



DIANA R DELANEY
Deputy Clerk