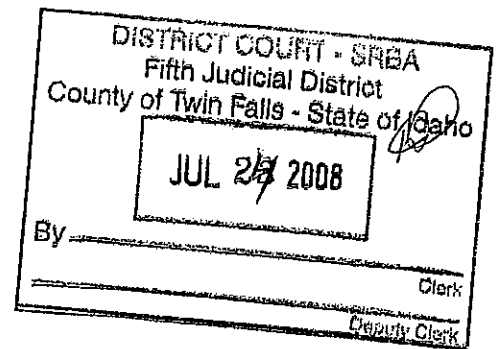


RECEIVED

JUL 25 2008

DEPARTMENT OF
WATER RESOURCES



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 67-14593
) and 67-14594 (Digital Boundary)
)
) DISALLOWED CLAIMS 67-14283,
) 67-14448, 67-14449, and 67-14450

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.

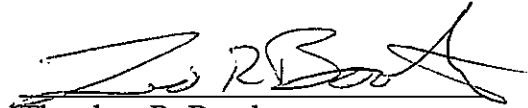
On April 27, 2007, Lonnie Schultz filed an objection to the *Director's Report* for water right 67-14593, objecting to the quantity and place of use elements of the recommendation. On July 31, 2007, the Court received correspondence from IDWR describing how the objection was resolved through the filing of amended claims and amended director's reports, and the disallowance of the competing claims filed by some members of the Bacon Valley Ditch Company.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 67-14593 and 67-14594 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER

RECOMMENDED that the SRBA District Court enter a final order **disallowing** water right claims 67-14283, 67-14448, 67-14449, and 67-14450.

Dated July 24, 2008

A handwritten signature in black ink, appearing to read 'Theodore R. Booth', written over a horizontal line.

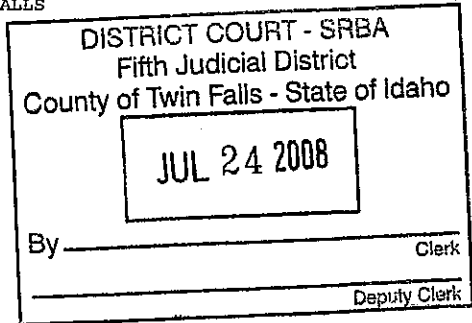
Theodore R. Booth
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 67-14593



NAME AND ADDRESS: BACON VALLEY DITCH CO
C/O CHARLES CARUSO
3100 EASTON AVE
BOISE, ID 83726-4864

SOURCE: WEISER RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.04 CFS

PRIORITY DATE: 09/11/1909

POINT OF DIVERSION: T15N R02W S11 NENW Within Adams County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	03-15 TO 10-31	2.04 CFS

PLACE OF USE:

The rights listed below are limited to the irrigation of a combined total of 301.3 acres in a single irrigation season. Combined Right Nos.: 67-14593 and 67-14594. 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. This right is limited to the irrigation of 102.0 acres within the place of use described above in a single irrigation season.

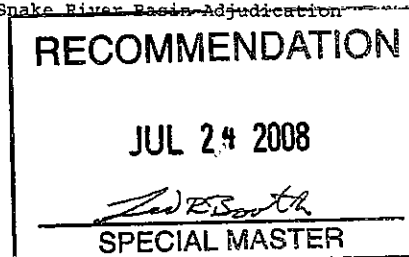
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

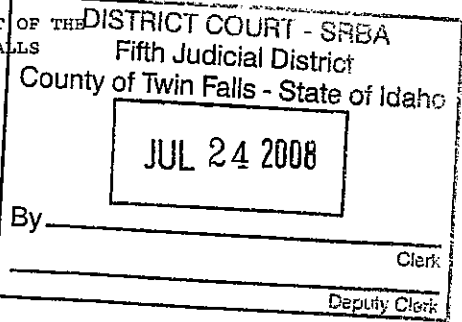
RULE 54(b) CERTIFICATE

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



In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 67-14594

NAME AND ADDRESS: BACON VALLEY DITCH CO
C/O CHARLES CARUSO
3100 EASTON AVE
BOISE, ID 83726-4864

SOURCE: WEISER RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 3.99 CFS

PRIORITY DATE: 03/15/1961

POINT OF DIVERSION: T15N R02W S11 SENENW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	3.99 CFS

PLACE OF USE:
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. The rights listed below are limited to the irrigation of a combined total of 301.3 acres in a single irrigation season. Combined Right Nos.: 67-14593 and 67-14594

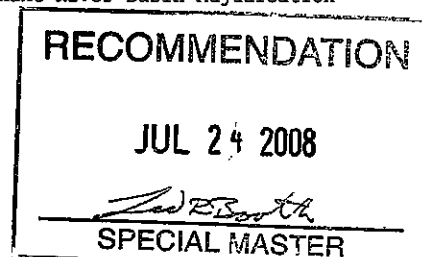
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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





Bacon Valley Ditch Co

SRBA Recommendations: 67-14593, 67-14594

Service Area Boundary
GIS Place of Use Illustration

Legend

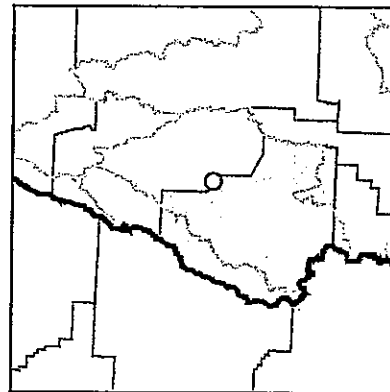
Service Area



Townships

PLS Sections

Quarter Quarters



Adams County
IDWR Basin 67

Prepared by D. Favreau
On Tuesday, December 19, 2006
1987/88 Aerial Photography



0 0.8 1.6 Miles

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 24 2008	
By _____	Clerk
_____	Deputy Clerk

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

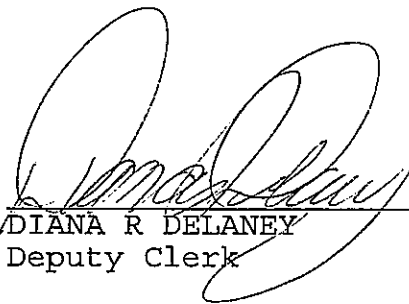
Water Right(s) : 67-14283
67-14448 67-14449 67-14450
67-14593 67-14594

On July 24, 2008, 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.

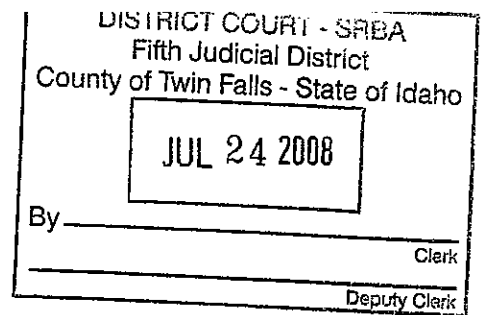
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 July 24, 2008.



DIANA R DELANEY
Deputy Clerk



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): 67-14283
67-14448 67-14449 67-14450
67-14593 67-14594

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 July 24, 2008, with sufficient first-class postage prepaid to the following:

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

BACON VALLEY DITCH CO
C/O CHARLES CARUSO
3100 EASTON AVE
BOISE, ID 83726-4864
Phone: 208-336-4309

WILDERNESS WEST LLC
PO BOX 18213
SEATTLE, WA 98118

LONNIE L SCHULTZ
WENDY A SCHULTZ
PO BOX 764
1591 GOODRICH RD
COUNCIL, ID 83612
Phone: 208-253-4688

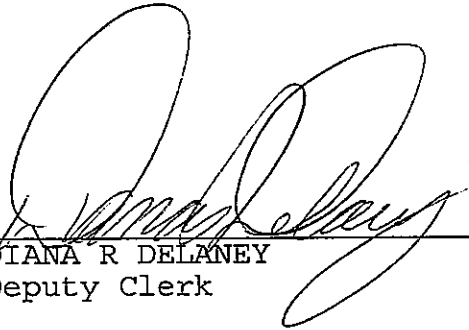
CERTIFICATE OF MAILING

PAGE 1
07/23/08

LONNIE SCHULTZ
1591 GOODRICH RD
COUNCIL, ID 83612
Phone: 208-253-4688

CAROLE M GALLANT
GARY G GALLANT
1677 GOODRICH RD
COUNCIL, ID 83612
Phone: 208-253-4586

CHARLES W CARUSO
DEBORAH A CARUSO
3100 EASTON AVE
BOISE, ID 83706
Phone: 208-336-4309



DIANA R DELANEY
Deputy Clerk