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Department of Water Resources
Adjudication Bureau

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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) Subcase 02-2379
Case No. 39576) (Deruyter Properties LP)
)
) SPECIAL MASTER REPORT
)

Findings of Fact

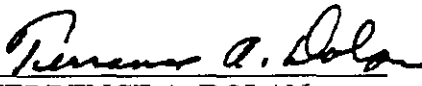
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area Basin 02* on December 29, 2006. The Director recommended the claim to Snake River Ranch, Ltd., for 23.67 cfs from the Snake River to irrigate 1,280 acres in Elmore County from March 15 to November 15 with a priority date of September 3, 1965, based on a license.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on December 5, 2007, objecting to place of use. On February 13, 2008, IDWR filed a *Notice of Completed Administrative Proceeding* for a substitution of party (Deruyter Properties LP, 13027 Sunnyslope Road, Caldwell, Idaho, 83607) and a change in place of use (1,232 acres). Based on the *NCAP*, the United States filed a *Notice of Voluntary Dismissal of Objection* on October 29, 2008, and on October 30, 2008, the Special Master entered an *Order Dismissing Objection*.

Conclusions of Law

Deruyter Properties LP is entitled to a partial decree adjudicating a water right as described in the *NCAP* and the attached *Special Master Recommendation for Partial Decree for Water Right 02-2379*.

DATED November 5, 2008.


TERRENCE A. DOLAN
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 02-02379

NAME AND ADDRESS: DERUYTER PROPERTIES LP
13027 SUNNYSLOPE RD
CALDWELL, ID 83607

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 23.67 CFS
6060.00 AFY

PRIORITY DATE: 09/03/1965

POINT OF DIVERSION: T06S R07E S01 LOT 4 (NWNWNW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	23.67 CFS 6060.00 AFY

PLACE OF USE:	Irrigation		Within Elmore County
	T05S R07E S23	NENE 39.0	SENE 39.0
		NESE 39.0	SESE 39.0
	S24	NWNW 40.0	SWNW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		SWSE 40.0	SESE 36.0
	S25	NENE 32.0	NWNE 32.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 38.0
		NWSE 39.0	SWSE 30.0
	S26	NESE 39.0	SWSE 40.0
		SESE 40.0	
	S35	NENE 34.0	NWNE 36.0
		NENW 40.0	
	1232.0 Acres Total		

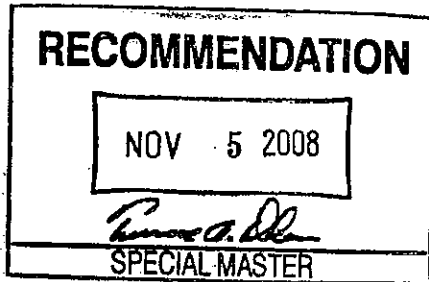
None of the place of use in this water right includes federal public land.

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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CLERK OF 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

CERTIFICATE OF MAILING

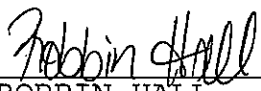
Water Right(s): 02-02379

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 November 05, 2008, with sufficient first-class postage prepaid to the following:

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

DERUYTER PROPERTIES LP
13027 SUNNYSLOPE RD
CALDWELL, ID 83607


ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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11/05/08

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CLERK OF DISTRICT COURT
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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

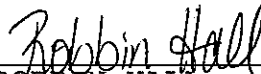
Water Right(s): 02-02379

On November 05, 2008, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 November 05, 2008.



ROBBIN HALL
Deputy Clerk