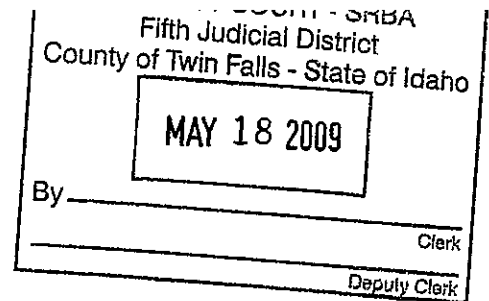




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcases 02-2129, 02-7021 and 02-7025

) (Hilliard)

)

) SPECIAL MASTER REPORT

)

RECEIVED

MAY 19 2009

DEPARTMENT OF
WATER RESOURCES

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 claims to James and Barbara Hilliard, 4401 S. Ocean Blvd #7, Highland Beach, Florida, 33487, for 3.54 cfs, 5.42 cfs and 4 cfs from the Snake River to irrigate 200 acres, 271 acres and 528 acres in Owyhee County from April 1 to October 31 with priority dates of May 21, 1956, September 26 and December 25, 1968, based on licenses. The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on December 4, 2007, objecting to place of use.

A hearing on the *Objections* was held by telephone on May 14, 2009. David L. Negri appeared for the BLM, along with Fredric W. Price; Jay P. Clark appeared for the Hilliards; and Garrick L. Baxter appeared for IDWR, along with Monica Van Bussum and Renea Ridgeway. The Hilliards agreed to add the following remark to places of use: "Place of use does not include federal public lands."

Conclusions of Law

The Hilliards are entitled to partial decrees adjudicating water rights as agreed to by the parties and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 02-2129, 02-7021 and 02-7025*.

DATED May 18, 2009.

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 02-02129

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho MAY 18 2009 By _____ Clerk _____ Deputy Clerk

NAME AND ADDRESS: BARBARA G HILLIARD
JAMES C HILLIARD
4401 S OCEAN BLVD #7
HIGHLAND BEACH, FL 33487

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.54 CFS
860.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 7025 IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 2185 AF.

PRIORITY DATE: 05/21/1956

POINT OF DIVERSION: T05S R05E S28 SENWNE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.54 CFS 860.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 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 Owyhee County
	T05S R05E S28	SWSW 8.0 SWSE 40.0 S33 NWNE 40.0 NWNW 33.0 200.0 Acres Total
		SESW 40.0 NENW 39.0

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.
This right is limited to the irrigation of 172 acres within the place of use described above in a single irrigation season.

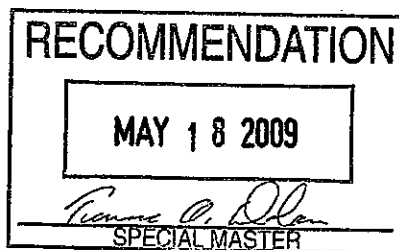
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

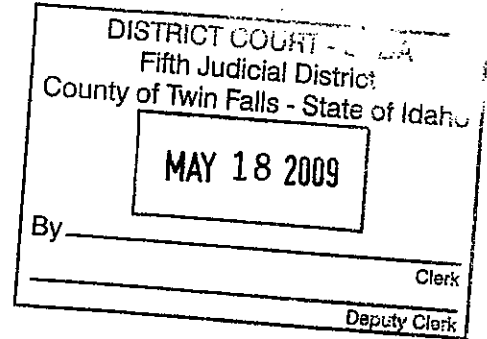
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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 02-07021



NAME AND ADDRESS: BARBARA G HILLIARD
JAMES C HILLIARD
4401 S OCEAN BLVD #7
HIGHLAND BEACH, FL 33487

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 5.42 CFS
1355.00 AFY

PRIORITY DATE: 09/26/1968

POINT OF DIVERSION: T06S R05E S08 NWNE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	5.42 CFS 1355.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 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 Owyhee County
	T06S R05E S04	SWNW 39.0 NESW 39.0 SWSW 35.0 SESE 20.0
	S05	SESE 20.0
	271.0 Acres Total	

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LAND.

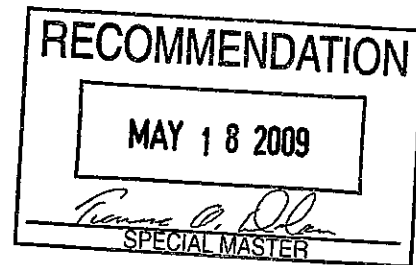
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
)
Case No. 39576)
)
) Water Right 02-07025

MAY 18 2009

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: BARBARA G HILLIARD
JAMES C HILLIARD
4401 S OCEAN BLVD #7
HIGHLAND BEACH, FL 33487

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.00 CFS
1215.00 APY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 4320 AF. COMBINED RIGHT
NOS.: 2-2129, 2-2130, 2-2406, 2-7350.

PRIORITY DATE: 12/25/1968

POINT OF DIVERSION: T05S R05E S28 SENWNE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.00 CFS 1215.00 APY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 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 Owyhee County
T05S R05E S28	SESW 40.0	
S31 LOT 7	(NESW) 40.0	NESE 40.0
	NWSE 40.0	
S32	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SENW 40.0	
S33	SWNE 9.0	NWNW 33.0
	SWNW 37.0	SENW 9.0
528.0 Acres Total		

This right is limited to the irrigation of 243 acres within the place of use described above in a single irrigation season.
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LAND.

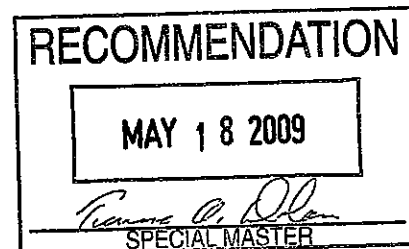
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAY 18 2009	
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

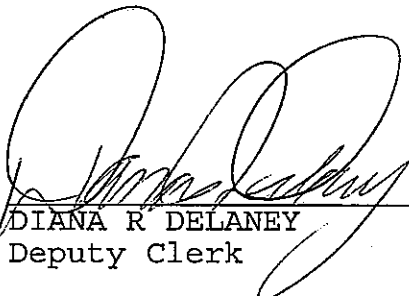
Water Right(s): 02-02129
02-07021 02-07025

On May 18, 2009, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

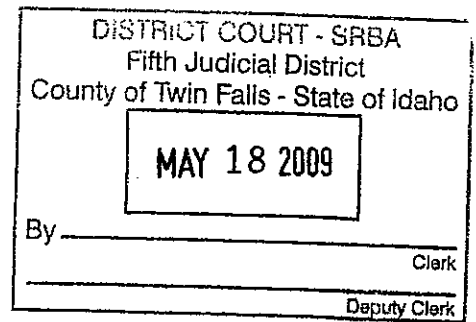
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 May 18, 2009.



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): 02-02129
02-07021 02-07025

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 May 18, 2009, with sufficient first-class postage prepaid to the following:

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

BARBARA G HILLIARD
JAMES C HILLIARD
Represented by:
JAY P. CLARK
620 S HASKETT
PO BOX 1202
MOUNTAIN HOME, ID 83647
Phone: 208-587-4500

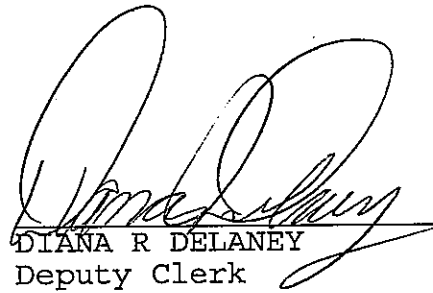
CERTIFICATE OF MAILING

PAGE 1
05/18/09

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

JOHN CLARK
COURTESY COPY
PO BOX 711
MOUNTAIN HOME, ID 83647

COURTESY COPY
6600 N ANDREWS AVE
#160
FT LAUDERDALE, FL 33309



DIANA R DELANEY
Deputy Clerk