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AUG 03 2009  
DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| JUL 31 2009                                                                             |                       |
| By _____                                                                                | Clerk<br>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     | ) | SPECIAL MASTER'S REPORT AND     |
|                | ) | RECOMMENDATIONS; FINDINGS OF    |
| Case No. 39576 | ) | FACT AND CONCLUSIONS OF LAW     |
|                | ) |                                 |
|                | ) | FOR WATER RIGHTS: 37-00368A,    |
|                | ) | 37-00409A, 37-02076A & 37-02455 |
| _____          | ) |                                 |

I. FINDINGS OF FACT

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

*Objections* to each right were filed by Diamond/Soldier Properties LLC, by and through counsel, James P. Speck, on May 10, 2007. The *Objections* were resolved on March 16, 2009, with the filing of a *Standard Form 5* for each right. All parties to the subcases and IDWR are signatories to each *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the files and records herein, IT IS RECOMMENDED that the above-captioned water rights be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Partial Decree*.

DATED: July 31, 2009.

  
BRIGETTE BILYEU  
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  
Fifth Judicial District  
County of Twin Falls - State of Idaho

JUL 31 2009

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

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 37-00368A

By \_\_\_\_\_ Clerk  
Deputy Clerk

NAME AND ADDRESS: DIAMOND/SOLDIER PROPERTIES LLC  
C/O GREGORY VIK  
PO BOX 1607  
BELLEVUE, WA 98009

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DEPARTMENT OF  
WATER RESOURCES

SOURCE: WEST FORK THREEMILE CREEK

QUANTITY: 2.70 CFS

PRIORITY DATE: 06/15/1884

POINT OF DIVERSION: T01N R13E S14 SESESW Within Camas County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-15 TO 10-31 | 2.70 CFS |

| PLACE OF USE: | Irrigation        | Within Camas County                                                                                  |
|---------------|-------------------|------------------------------------------------------------------------------------------------------|
|               | T01N R13E S22     | NENE 14.0<br>NWNE 9.4<br>SWNE 22.0<br>SENE 40.0<br>NESE 40.0<br>NWSE 12.0<br>SESE 37.0               |
|               | S23               | NENW 22.0<br>NWNW 10.0<br>SWNW 40.0<br>SENW 20.0<br>NESW 20.0<br>NWSW 40.0<br>SWSW 40.0<br>SESW 28.0 |
|               | S26               | NENW 4.2<br>NWNW 33.0<br>SWNW 17.0                                                                   |
|               | S27               | NENE 37.0<br>SENE 30.0                                                                               |
|               | 515.6 Acres Total |                                                                                                      |

This right is limited to the irrigation of 112 acres within  
the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a  
combined total of 515.6 acres in a single irrigation season.  
Combined Right Nos.: 37-368A, 37-409A, 37-2076A, 37-2455 &  
37-2157.

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).

RECOMMENDATION

JUL 31 2009

*Lizette Silvey*  
SPECIAL MASTER

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

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

JUL 31 2009

In Re SRBA )  
Case No. 39576 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 37-00409A

By \_\_\_\_\_ Clerk  
Deputy Clerk

NAME AND ADDRESS: DIAMOND/SOLDIER PROPERTIES LLC  
C/O GREGORY VIK  
PO BOX 1607  
BELLEVUE, WA 98009

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DEPARTMENT OF  
WATER RESOURCES

SOURCE: EAST FORK THREEMILE CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 2.85 CFS

PRIORITY DATE: 04/01/1907

POINT OF DIVERSION: T01N R13E S23 NENWNE Within Camas County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
| Irrigation                 |                | 04-15 TO 10-31 | 2.85 CFS |
| Stockwater                 |                | 01-01 TO 12-31 | 0.12 CFS |

| PLACE OF USE:     | Irrigation                                       | Within Camas County                              |
|-------------------|--------------------------------------------------|--------------------------------------------------|
| T01N R13E S22     | NENE 14.0<br>SWNE 22.0<br>NESE 40.0<br>SESE 37.0 | NWNE 9.4<br>SENE 40.0<br>NWSE 12.0               |
| S23               | NENW 22.0<br>SWNW 40.0<br>NESW 20.0<br>SWSW 40.0 | NWNW 10.0<br>SENE 20.0<br>NWSW 40.0<br>SESW 28.0 |
| S26               | NENW 4.2<br>SWNW 17.0                            | NWNW 33.0                                        |
| S27               | NENE 37.0                                        | SENE 30.0                                        |
| 515.6 Acres Total |                                                  |                                                  |

| Stockwater    | Within Camas County          |
|---------------|------------------------------|
| T01N R13E S22 | NENE<br>SWNE<br>NESE<br>SESE |
| S23           | NENW<br>SWNW<br>NESW<br>SWSW |
| S26           | NENW<br>SWNW                 |
| S27           | NENE<br>SENE                 |

This right is limited to the irrigation of 94.3 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 515.6 acres in a single irrigation season. Combined Right Nos.: 37-368A, 37-409A, 37-2076A, 37-2455 & 37-2157.

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

RECOMMENDATION

JUL 31 2009

*Bigelle Silvey*  
SPECIAL MASTER

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

JUL 31 2009

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

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 37-02076A

By \_\_\_\_\_ Clerk  
Deputy Clerk

NAME AND ADDRESS: DIAMOND/SOLDIER PROPERTIES LLC  
C/O GREGORY VIK  
PO BOX 1607  
BELLEVUE, WA 98009

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DEPARTMENT OF  
WATER RESOURCES

SOURCE: MC MAHAN CREEK TRIBUTARY: THREEMILE CREEK  
WEST FORK THREEMILE CREEK TRIBUTARY: THREEMILE CREEK

QUANTITY: 6.10 CFS

PRIORITY DATE: 05/17/1907

POINT OF DIVERSION: T01N R13E S22 NESWNE Within Camas County  
S23 NENENW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-15 TO 10-31 | 6.10 CFS |
|                            | Stockwater     | 01-01 TO 12-31 | 0.12 CFS |

| PLACE OF USE: | Irrigation        | Within Camas County |
|---------------|-------------------|---------------------|
| T01N R13E S22 | NENE 14.0         | NWNE 9.4            |
|               | SWNE 22.0         | SENE 40.0           |
|               | NESE 40.0         | NWSE 12.0           |
|               | SESE 37.0         |                     |
| S23           | NENW 22.0         | NWNW 10.0           |
|               | SWNW 40.0         | SENW 20.0           |
|               | NESW 20.0         | NWSW 40.0           |
|               | SWSW 40.0         | SESW 28.0           |
| S26           | NENW 4.2          | NWNW 33.0           |
|               | SWNW 17.0         |                     |
| S27           | NENE 37.0         | SENE 30.0           |
|               | 515.6 Acres Total |                     |

| Stockwater    | Within Camas County |
|---------------|---------------------|
| T01N R13E S22 | NENE                |
|               | SWNE                |
|               | NESE                |
|               | SESE                |
| S23           | NENW                |
|               | SWNW                |
|               | NESW                |
|               | SWSW                |
| S26           | NENW                |
|               | SWNW                |
| S27           | NENE                |

This right is limited to the irrigation of 224 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 515.6 acres in a single irrigation season. Combined Right Nos.: 37-368A, 37-409A, 37-2076A, 37-2455 & 37-2157.

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

RECOMMENDATION

JUL 31 2009

*Brigette Silbey*  
SPECIAL MASTER

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 37-02455

|                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho<br><br><div style="border: 1px solid black; padding: 5px; text-align: center;">           JUL 31 2009         </div><br>By _____ Clerk<br>_____ Deputy Clerk |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

NAME AND ADDRESS: DIAMOND/SOLDIER PROPERTIES LLC  
C/O GREGORY VIK  
PO BOX 1607  
BELLEVUE, WA 98009

SOURCE: MC MAHAN CREEK TRIBUTARY: THREEMILE CREEK

QUANTITY: 3.00 CFS

PRIORITY DATE: 03/12/1940

POINT OF DIVERSION: T01N R13E S22 NENWNE Within Camas County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------|
| Irrigation     | 04-15 TO 10-31 | 3.00 CFS |
| Stockwater     | 01-01 TO 12-31 | 0.12 CFS |

PLACE OF USE:

| Irrigation        |           | Within Camas County |
|-------------------|-----------|---------------------|
| T01N R13E S22     | NENE 14.0 | NWNE 9.4            |
|                   | SWNE 22.0 | SENE 40.0           |
|                   | NESE 40.0 | NWSE 12.0           |
|                   | SESE 37.0 |                     |
| S23               | NENW 22.0 | NWNW 10.0           |
|                   | SWNW 40.0 | SENE 20.0           |
|                   | NESW 20.0 | NWSW 40.0           |
|                   | SWSW 40.0 | SESW 28.0           |
| S26               | NENW 4.2  | NWNW 33.0           |
|                   | SWNW 17.0 |                     |
| S27               | NENE 37.0 | SENE 30.0           |
| 515.6 Acres Total |           |                     |

| Stockwater    |      | Within Camas County |
|---------------|------|---------------------|
| T01N R13E S22 | NENE | NWNE                |
|               | SWNE | SENE                |
|               | NESE | NWSE                |
|               | SESE |                     |
| S23           | NENW | NWNW                |
|               | SWNW | SENE                |
|               | NESW | NWSW                |
|               | SWSW | SESW                |
| S26           | NENW | NWNW                |
|               | SWNW |                     |
| S27           | NENE | SENE                |

This right is limited to the irrigation of 45.3 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 515.6 acres in a single irrigation season. Combined Right Nos.: 37-368A, 37-409A, 37-2076A, 37-2455 & 37-2157.

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

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|                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| RECOMMENDATION<br><br><div style="border: 1px solid black; padding: 5px; text-align: center;">           JUL 31 2009         </div><br><i>Dipello Lilley</i><br>SPECIAL MASTER |
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| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| JUL 31 2009                                                                             |                       |
| By _____                                                                                | Clerk<br>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

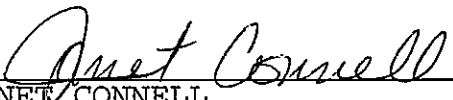
Water Right(s): 37-00368A  
37-00409A 37-02076A 37-02455

On July 31, 2009, Special Master BRIGETTE BILYEU  
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 31, 2009.

  
JANET CONNELL  
Deputy Clerk

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DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |                       |
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| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| JUL 31 2009                                                                             |                       |
| By _____                                                                                | Clerk<br>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): 37-00368A  
37-00409A 37-02076A 37-02455

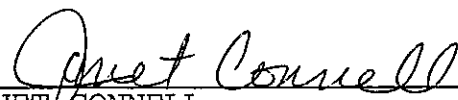
CERTIFICATE OF MAILING

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 31, 2009, with sufficient first-class postage prepaid to the following:

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

DIAMOND/SOLDIER PROPERTIES LLC

Represented by:  
JAMES P. SPECK  
SPECK & AANESTAD  
120 EAST AVENUE  
PO BOX 987  
KETCHUM, ID 83340  
Phone: 208-726-4421

  
JANET CONNELL  
Deputy Clerk

CERTIFICATE OF MAILING

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