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DEPARTMENT OF  
WATER RESOURCES

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

MAY 28 2010

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 AND  
) RECOMMENDATION; FINDINGS OF  
) FACT AND CONCLUSIONS OF LAW

)  
) FOR WATER RIGHTS: 37-4112 AND  
) 37-21595

I. FINDINGS OF FACT

A notice of claim was filed for this water right 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 this water right.

*Objections* were filed by the United States Bureau of Land Management and Gary and Helen DeMoss. The DeMoss *Objection* was withdrawn April 11, 2008. The *Objection* was resolved on November 19, 2008 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

A. Digital Boundary

The place of use for this right is a digital boundary and is illustrated by the map overlay attached to the Recommendation for Partial Decree. The digital boundary for the place of use is described on a CD-Rom filed with the court.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: May 28 2010.  
2009

  
BRIGETTE BILYEU, Special Master  
Snake River Basin Adjudication

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

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

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May-25-2010

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

MAY 28 2010

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 37-21595

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

NAME AND ADDRESS: KING HILL IRRIGATION DISTRICT  
PO BOX 428  
KING HILL, ID 83633

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WATER RESOURCES

SOURCE: MALAD RIVER TRIBUTARY: SNAKE RIVER

Point of injection into and points of redirection from the Snake  
River

QUANTITY: 70.00 CFS

PRIORITY DATE: 04/01/1909

POINT OF DIVERSION: T05S R10E S12 LOT 7 (NESE ) (Rediversion) Within Gooding County  
S28 LOT 7 (SWNW ) (Rediversion)  
T06S R11E S09 LOT 6 (NWSW ) (Rediversion)  
R12E S12 LOT 7 (NWSW ) (Rediversion)  
R13E S27 LOT 2 (SWSW ) (Injection)  
S35 NENW

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|----------------|----------------|----------------|-----------|
|                | Irrigation     | 03-01 TO 10-31 | 70.00 CFS |

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 after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

11573 ACRES TOTAL

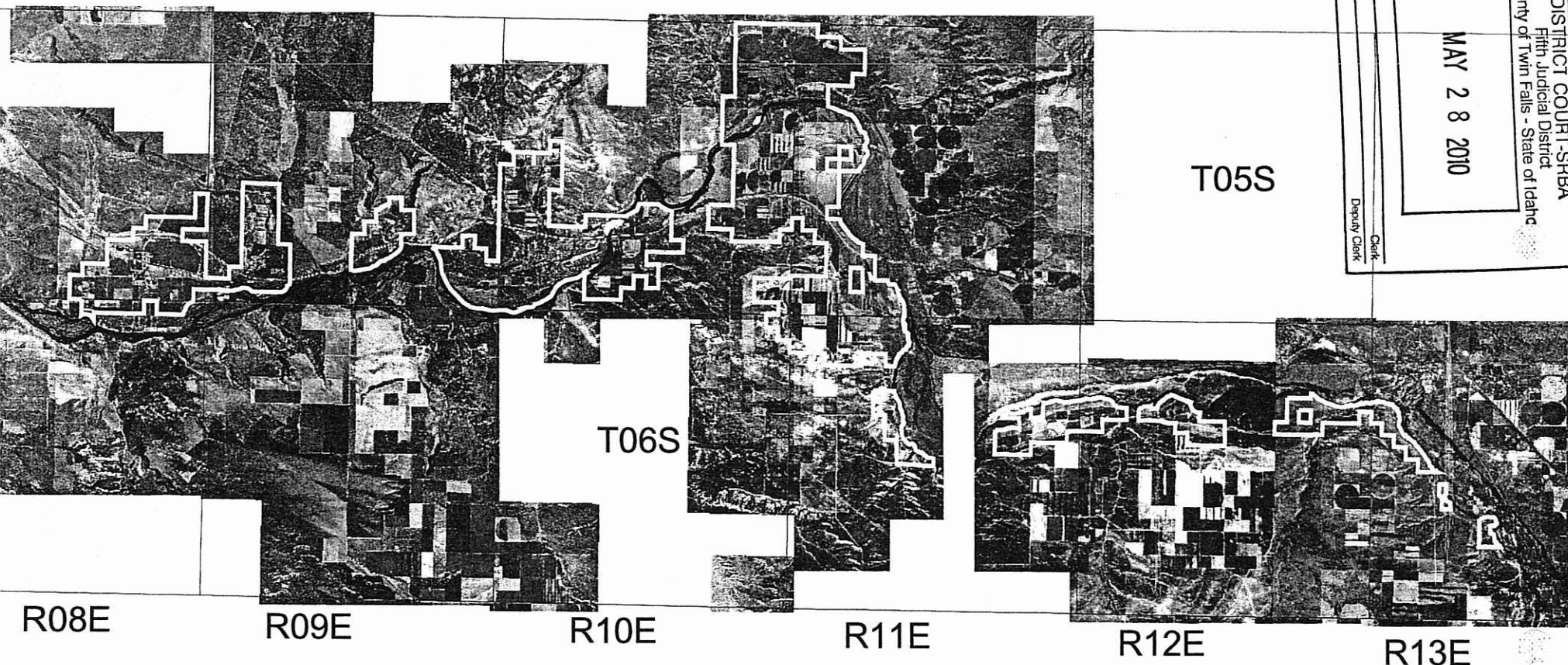
The boundary encompassing the place of use of this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk 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. Place of use is within the boundary of the King Hill Irrigation District pursuant to Section 43-323, Idaho Code. Right Nos. 37-4112 and 37-21595 are limited to the irrigation of a combined total of 11573 acres 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).

# 37-4112 & 37-21595 - King Hill Irrigation District Service Area

|                    |                                                                                                               |
|--------------------|---------------------------------------------------------------------------------------------------------------|
| By _____           | DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho<br><b>MAY 28 2010</b> |
| Deputy Clerk _____ |                                                                                                               |



T05S R08E, T05S R09E, T05S R10E & T05S R11E  
T06S R08E, T06S R09E, T06S R10E, T06S R11E, T06S R12E & T06S R13E

Map prepared by: Carter Fritschle  
Date prepared: 10/20/05 - Revised 05/22/08  
1987-1988 NAPP photography  
Idaho Department of Water Resources



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WATER RESOURCES

REGISTERED CLERK - CADA  
TWIN FALLS CO., IDAHO  
FILED

2008 NOV 19 AM 11 15

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WATER RESOURCES

|                                                                                         |                       |
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| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| MAY 28 2010                                                                             |                       |
| 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): 37-04112  
37-21595

On May 28, 2010, Special Master BRIGETTE BILYEU 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 May 28, 2010.

  
JANET CONNELL  
Deputy Clerk

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WATER RESOURCES

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| MAY 28 2010                                                                             |
| 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): 37-04112  
37-21595

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 28, 2010, with sufficient first-class postage prepaid to the following:

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

KING HILL IRRIGATION DISTRICT

Represented by:  
DANIEL V. STEENSON  
455 S THIRD ST  
PO BOX 2773  
BOISE, ID 83701-2773  
Phone: 208-342-4591

UNITED STATES OF AMERICA

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

CERTIFICATE OF MAILING

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JANET CONNELL 05/28/10  
Deputy Clerk