RECEIVED

JAN 1 1 2011

DEPARTMENT OF
WATER RESOURCES

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

JAN 1 0 2011

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	**AMENDED SPECIAL MASTER'S REPORT AND RECOMMENDATIONS; FINDINGS OF FACT AND CONCLUSIONS OF LAW** **FOR WATER RIGHT: 37-409A**

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.

An *Objection* was filed by Diamond/Soldier Properties LLC on May 10, 2007. The *Objection* was resolved on March 16, 2009, with the filing of a *Standard Form 5*. A ***Special Master's Report and Recommendation*** was issued on July 31, 2009.

A *Motion to Alter or Amend Special Master's Report and Recommendation* was filed on August 20, 2009. Hearings were held on August 18, 2010 and December 1, 2010. The Court **granted** the *Motion*. ***Order on Motion to Alter or Amend Special Master's Report and Recommendation*** (January 10, 2011)

II. CONCLUSIONS OF LAW

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

The Special Master notes that Diamond Soldier Properties LLC must file a separate motion to correct the General Provision Decree under Subcase No. 00-92037G2.

DATED: January 10, 2011.

BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
JAN 10 2011
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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 37-00409A

RECEIVED
JAN 11 2011
DEPARTMENT OF WATER RESOURCES

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

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	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	SENW 30.0	

515.6 Acres Total

Stockwater — Within Camas County

T01N R13E S22	NENE	NWNE
	SWNE	SENE
	NESE	NWSE
	SESE	
S23	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
S26	NENW	NWNW
	SWNW	
S27	NENE	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 water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this

OTHER PROVISIONS (continued)

General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.

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.

RECOMMENDATION

JAN 10 2011

Lisette Silvey

SPECIAL MASTER

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED
JAN 11 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
JAN 10 2011
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): 37-00409A

On January 10, 2011, Special Master BRIGETTE BILYEU issued a AMENDED 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 January 10, 2011.

Janet Connell
JANET CONNELL
Deputy Clerk

RECEIVED
JAN 11 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
JAN 10 2011
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)	CERTIFICATE OF MAILING
)	
Case No. 39576)	
)	Water Right(s): 37-00409A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the AMENDED 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 January 10, 2011, 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
JANET CONNELL
Deputy Clerk