

**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)	Subcases 41-8B & 41-13B (James Juan
)	Spillett),
Case No. 39576)	41-8E, 41-13C & 41-10230 (James V. &
)	Robert R. Spillett)
)	and 41-13A (KBC Farms, LLC)
))
)	SPECIAL MASTER REPORT

Findings of Fact¹

On February 2, 2007, parties to the above 6 subcases, plus parties to 3 other related subcases, and IDWR filed with the SRBA Court an *Amended Settlement Agreement* and *Addendum*, dated October, 2006.² The *Agreement* was signed by the following:

James Juan Spillett – 41-8B & 41-13B
Kelvin and Suzanne Taysom – 41-8C,
KBC Farms, LLC (formerly R. Scott Weston³) – 41-8D & 41-13A
Robert R. and James V. Spillett – 41-8E, 41-13C & 41-10230
7UD Ranches – 41-8F
Bench Ditch Irrigation Company – respondent in subcases 41-8B & 41-13B.

¹ For a full history of the above 6 claims plus the other 3 related claims, see *Special Master Report and Recommendation on Motions to Set Aside Partial Decrees*, entered April 29, 2002, in subcases 41-8E, 41-13A, 41-13C and 41-10230; *Special Master Report and Recommendation*, entered May 2, 2005, in subcases 41-8C, 41-8D and 41-8F; *Order Denying 7UD Ranches' Motion to Alter or Amend*, entered July 29, 2005, in subcases 41-8C, 41-8D and 41-8F; and SRBA Presiding Judge John M. Melanson's February 2, 2006 *Memorandum Decision and Order on Challenge* and *Order of Further Proceedings in Related Subcase 41-8B* entered in subcases 41-8C, 41-8D and 41-8F.

² The 31 pages of documents were first recorded as instrument #190921, Power County, Idaho, 2007-01-24, 02:26:57.

³ On February 7, 2007, IDWR filed a *Notice of Completed Administrative Proceeding* in subcases 41-8D and 41-13A for a substitution of party from R. Scott Weston to KBC Farms, LLC.

Partial Decrees were entered for claims 41-8C, 41-8D, 41-8E, 41-8F, 41-13C and 41-10230 without objection on July 28, 2000, and *Amended Partial Decrees* were entered on March 12, 2001. Claim 41-13A was decreed disallowed on July 31, 2000. These water rights are located in the Adshead Ditch. The *Partial Decrees* in subcases 41-8E, 41-13A, 41-13C and 41-10230 were set aside on July 3, 2002; hence, the above 6 subcases await decrees to wrap up all of the 9 related claims.

The parties to the *Agreement* are claimants of water rights recommended and / or decreed with diversion points along the Adshead and/or Jackson Ditches on the South Fork of Rock Creek, Power County, Idaho. They agreed to withdraw their objections and responses in exchange for entry of partial decrees as described in Attachments A through F of the *Agreement* and certain other arrangements, all with IDWR's concurrence.

Conclusions of Law

James Juan Spillett (41-8B & 41-13B), James V. and Robert R. Spillett (41-8E, 41-13C & 41-10230) and KBC Farms, LLC (41-13A) are entitled to partial decrees adjudicating water rights as described in Attachments A through F to the *Amended Settlement Agreement* and *Addendum* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 41-8B, 41-8E, 41-13A, 41-13B, 41-13C and 41-10230*.

DATED February 8, 2007.

/s/ Terrence A. Dolan
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication