

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2005 FEB 15 PM 3 42

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 36-07134 and 36-07135
Case No. 39576) (Minidoka County School District #331)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Part I, for Reporting Area 3 (Basin 36)* on November 2, 1992. The Director recommended claims 36-07134 and 36-07135 to the Minidoka County School District #331, 633 Fremont Avenue, Rupert, Idaho, 83350-1610, each for .38 cfs from groundwater to irrigate 19 acres in Minidoka County from April 1 to October 31 with a priority date of June 24, 1970, based on licenses. *Partial Decrees* for each claim were entered on January 15, 1998.

On August 2, 1999, the Director filed his *Supplemental Director's Reports, Reporting Area 3, IDWR Basin 36, Regarding Revision of the Following: Period of Use (For Irrigation Water Uses), Conjunctive Management General Provisions*. For each of the School District's water rights, the Director recommended an irrigation season of May 1 to November 1 plus a subordination remark.

The School District filed an *Objection to Irrigation Season and/or Conjunctive Management General Provisions* in each subcase on September 9, 1999, alleging:

The season of use should be the general season of use from 3/15 – 11/15, and should not be subordinated.

This right uses recaptured project water from Minidoka Irrigation District and thus should not be subjected to the conjunctive management provisions.

On February 14, 2005, the School District and IDWR filed a *Standard Form 5* for each water right agreeing to the recommended period of use plus the following remark:

The water used by this right is: (1) used in lieu of surface water from Minidoka Irrigation District that the water right holder is entitled to receive, the place of use being within Minidoka Irrigation District and the lands being included in and assessed by Minidoka Irrigation District, (2) from a perched aquifer created by application of surface water by the Minidoka Irrigation District, and (3) recaptured under this right before it reaches the Eastern Snake Plain Aquifer. Therefore, this right is not subject to a delivery call against or any mitigation requirements that may be imposed on Eastern Snake Plain Aquifer ground water rights.

Conclusions of Law

The Minidoka County School District #331 is entitled to amended partial decrees adjudicating water rights under claims 36-07134 and 36-07135 as described in the *SF-5's* and the attached *Special Master Recommendations for Amended Partial Decrees for Water Rights 36-07134 and 36-07135*.

DATED February 15, 2005.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

OF THE DISTRICT COURT - SREA
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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

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CERTIFICATE OF MAILING

Water Right(s): 36-07134
36-07135

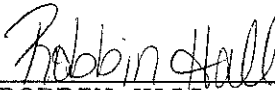
CERTIFICATE OF MAILING

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 February 15, 2005, with sufficient first-class postage prepaid to the following:

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

MINIDOKA COUNTY SCHOOL
SCHOOL DISTRICT NO 331

Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

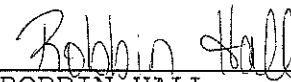
Water Right(s): 36-07134
36-07135

On February 15, 2005, 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 February 15, 2005.



ROBBIN HALL
Deputy Clerk