

RECEIVED

DEC 06 2007

DEPARTMENT OF
WATER RESOURCES

2007 DEC -5 PM 12: 22

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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) Subcase 01-181C
Case No. 39576) (City of Blackfoot)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area Basin 01, IDWR Part 2* on December 19, 2006. The Director recommended claim 01-181C to the New Sweden Irrigation District for 46 cfs from the Snake River to irrigate 27,920 acres in Bonneville and Jefferson Counties from April 1 to October 31 with a priority date of June 16, 1900, based on a decree. IDWR then filed a *Notice of Completed Administrative Proceeding* on April 16, 2007, for transfers of point of diversion, place of use, period of use, nature of use and change of ownership with the new claimant as the City of Blackfoot, 157 N. Broadway, Blackfoot, Idaho, 83221.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on April 18, 2007, objecting to place of use. But on November 15, 2007, the United States filed a *Notice of Voluntary Dismissal of Objection* based on the *NCAP*. The Special Master entered an *Order Dismissing Objection* on November 21, 2007.

Conclusions of Law

The City of Blackfoot is entitled to a partial decree adjudicating a water right as described in the *NCAP* and the attached *Special Master Recommendation for Partial Decree for Water Right 01-181C*.

DATED December 5, 2007.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath it.

TERRENCE A. DOLAN

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 01-00181C

NAME AND ADDRESS: CITY OF BLACKFOOT
157 N BROADWAY
BLACKFOOT, ID 83221

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 46.00 CFS
2466.80 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE
NO MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE AT
THE FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

THE RIGHT HOLDER SHALL MAINTAIN A MEASURING DEVICE AND LOCKABLE
CONTROLLING WORKS BOTH OF WHICH SHALL BE OF A TYPE APPROVED BY
THE DEPARTMENT AND THAT WILL PROVIDE THE WATERMASTER SUITABLE
CONTROL OF THE DIVERSION(S).

THE RESERVOIR ESTABLISHED BY THE STORAGE OF WATER UNDER THIS
RIGHT SHALL NOT EXCEED A TOTAL CAPACITY OF 1100 ACRE FEET OR A
TOTAL SURFACE AREA OF 73 ACRES. THIS RIGHT AUTHORIZES ADDITIONAL
STORAGE IN THE AMOUNT OF 186 AFA TO MAKE UP LOSSES FROM
EVAPORATION AND 980.8 AFA FOR SEEPAGE LOSSES.

PRIORITY DATE: 06/16/1900

POINT OF DIVERSION: T02S R37E S27 LOT 9 (SWNE) Within Bingham County
NESW

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	200.00 AFY
	Irrigation from Storage	04-01 TO 10-31	200.00 AFY
	Diversion to Storage	04-01 TO 10-31	46.00 AFY
	Recreation Storage	01-01 TO 12-31	2266.80 AFY
	Irrigation	04-01 TO 10-31	1.00 CFS
			200.00 AFY

PLACE OF USE: Irrigation Within Bingham County

T02S R35E S27	NESW 0.7	LOT 17 (NESW) 0.5
	SESW 6.8	SESW 2.1
LOT 18 (SESW) 0.8		
S33 LOT 10 (NESE) 9.1	LOT 11 (NWSE) 0.7	
LOT 11 (SWSE) 0.6	LOT 10 (SESE) 1.1	
S34	NWNE 1.8	NENW 5.6
	NENW 8.5	LOT 11 (NENW) 0.5
	SWNW 4.0	SWNW 1.5
	SWNW 0.4	LOT 11 (SWNW) 1.4
	SESW 1.1	NWSW 0.2
	NWSW 2.1	NWSW 0.5
50.0 Acres Total		

Irrigation Storage		Within Bingham County	
T02S R35E S27	SWSW	LOT 15 (SWSW)	
LOT 18 (SWSW)		SESW	
LOT 15 (SESW)		LOT 18 (SESW)	
S33	SENE	NESE	
	NESE	LOT 10 (NESE)	
S34	NWNW	LOT 6 (NWNW)	
LOT 11 (NWNW)		SWNW	

PLACE OF USE (continued)

LOT 7	(SWNW)	LOT 11	(SWNW)
	NWSW		NWSW
LOT 7	(NWSW)		

Irrigation from Storage
Same as Irrigation

Within Bingham County

THE PLACE OF USE FOR IRRIGATION UNDER THIS RIGHT INCLUDES PORTIONS OF TRACT 38 IN NESW AND SESW OF SECTION 27, AND NENW AND SWNW OF SECTION 34; PORTIONS OF TRACT 39 IN SESW OF SECTION 27, NWNE, NENW, SWNW, SENW, AND NWSW OF SECTION 34; AND A PORTION OF TRACT 41 IN NWSE OF SECTION 34.

THE PLACE OF USE FOR THE STORAGE ELEMENTS OF THIS RIGHT INCLUDES PORTIONS OF TRACT 42 IN SENE AND NESE OF SECTION 33, AND A PORTION OF TRACT 39 IN NWSW OF SECTION 34.

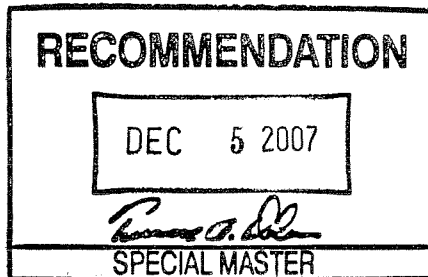
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE DIVERSION AND USE OF WATER UNDER TRANSFER 72385 IS SUBJECT TO ADDITIONAL CONDITIONS AND LIMITATIONS CONTAINED IN A SETTLEMENT AGREEMENT-IDWR TRANSFER OF WATER RIGHT, TRANSFER NO. 72385, DATE JUNE 2006, INCLUDING ANY PROPERLY EXECUTED AMENDMENTS THERETO, ENTERED INTO BY AND BETWEEN THE NEW SWEDEN IRRIGATION DISTRICT, THE CITY OF BLACKFOOT, A & B IRRIGATION DISTRICT, AMERICAL FALLS RESERVOIR DISTRICT #2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA IRRIGATION DISTRICT, TWIN FALLS CANAL COMPANY, AND NORTH SIDE CANAL COMPANY. THE SETTLEMENT AGREEMENT HAS BEEN RECORDED IN BINGHAM COUNTY (INSTRUMENT NO. 575897) AND BONNEVILLE COUNTY (INSTRUMENT NO. 1249899) AND IS ENFORCEABLE BY THE PARTIES THERETO.

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2007 DEC -5 PM 12: 22

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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)
_____)

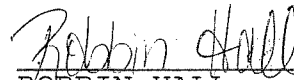
Water Right(s): 01-00181C

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 December 05, 2007, with sufficient first-class postage prepaid to the following:

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

CITY OF BLACKFOOT
157 N BROADWAY
BLACKFOOT, ID 83221


ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
12/05/07

2007 DEC -5 PM 12: 22

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

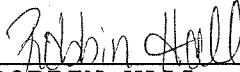
Water Right(s): 01-00181C

On December 05, 2007, 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 December 05, 2007.



ROBBIN HALL
Deputy Clerk