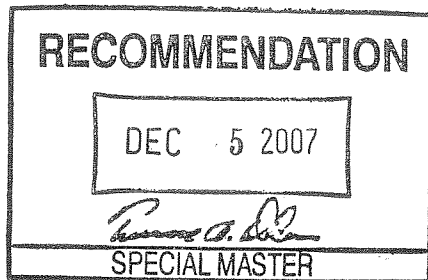


In Re SRBA ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54 (b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 01-00031

PAGE 1  
Oct-19-2007

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

RECEIVED

DEC 06 2007

DEPARTMENT OF  
WATER RESOURCES

2007 DEC -5 PM 1:26

DISTRICT COURT - 5TH - 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 ) Subcases 01-29, et al.  
Case No. 39576 ) (see list of 10 subcases attached)  
 ) (Burgess Canal & Irrigating Company)  
 )  
 ) 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 the above 10 claims to the Burgess Canal & Irrigating Company, c/o Chris Bolter, Secretary, P.O. Box 536, Rigby, Idaho, 83442, for between .608 cfs and 380 cfs from the Snake River to irrigate 19,492 acres within the area served by the Burgess Canal & Irrigating Company in Bonneville and Jefferson Counties from April 1 to October 31 with priority dates between June 1, 1885, and June 13, 1970, based on decrees and beneficial use.

The United States of America, Department of Interior, Bureau of Land Management and Department of Interior, Bureau of Reclamation filed *Objections* on April 17 and 19, 2007, objecting to place of use. The claimant, the BUREC and the BLM filed *Standard Forms 5* on October 19, 2007, agreeing to remove federal public lands from the digital boundary of the area served by the Burgess Canal & Irrigating Company.

**Conclusions of Law**

The Burgess Canal & Irrigating Company is entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights*.

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.

TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

2007 DEC -5 PM 1:26

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

CERTIFICATE OF MAILING

Water Right(s): 01-00029

01-00031 01-00032 01-00033

01-00035P 01-00117P 01-00249

01-00353 01-10093 01-10418

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:

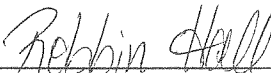
DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

UNITED STATES OF AMERICA  
USDI BUREAU OF RECLAMATION  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1  
12/05/07

BURGESS CANAL & IRRIGATING CO  
C/O CHRIS BOLTER SEC  
PO BOX 536  
RIGBY, ID 83442  
Phone: 208-745-1486

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

2007 DEC -5 PM 1:26

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

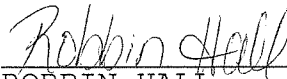
Water Right(s): 01-00029  
01-00031 01-00032 01-00033  
01-00035P 01-00117P 01-00249  
01-00353 01-10093 01-10418

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



# Burgess Canal & Irrigating Co

SRBA Recommendations: 1-29, 1-31, 1-32, 1-33, 1-35P, 1-117P, 1-249, 1-353, 1-10093, 1-10418

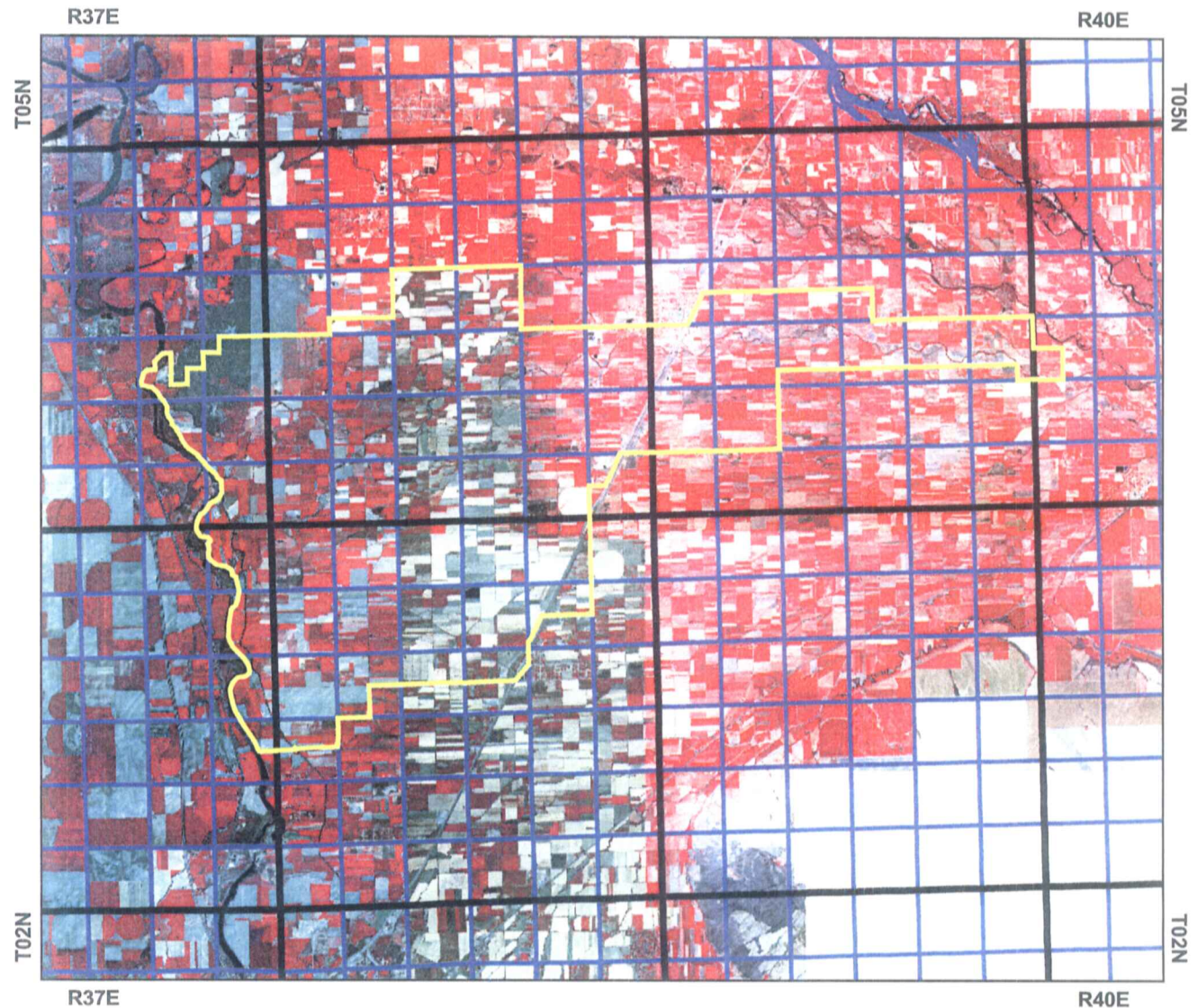
Service Area Boundary  
GIS Place of Use Illustration

## Legend

-  Place of Use
-  Townships
-  PLS Sections



Bonneville, Jefferson Counties  
IDWR Basin 1



0 6 12 Miles



Prepared by D. Favreau  
On Thursday, September 27, 2007  
1987/88 Aerial Photography