

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 01-00035P

NAME AND ADDRESS: BURGESS CANAL & IRRIGATING CO
C/O CHRIS BOLTER SEC
PO BOX 536
RIGBY, ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed at the main canal heading
located at T4N R40E S20 SESESW.

QUANTITY: 1.167 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION: T03N R37E S13 NWS⁴ESW Within Bonneville County
T04N R37E S23 LOT 2 (SWSE⁴NW) Within Jefferson County
LOT 4 (SESESW)
S36 LOT 1 (NWN⁴NW)
LOT 2 (NESWN⁴)
NWS⁴ENW
R40E S20 SESESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.167 CFS

PLACE OF USE:

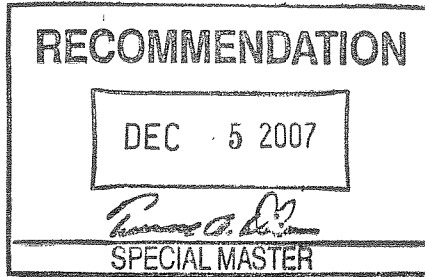
19492 ACRES TOTAL
Place of use is within the area served by Burgess Canal &
Irrigating Company.
The boundary encompassing the place of use for this water right
is described with a digital boundary as defined by I.C. Section
42-202B(2) and authorized pursuant to I.C. Section
42-1411(2)(h). The data comprising the digital boundary are
incorporated herein by reference and are stored on a CD-ROM disk
issued in duplicate originals on file with the SRBA District
Court and the Idaho Department of Water Resources. A map
depicting the place of use is attached hereto to illustrate the
place of use described by the digital boundary.

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

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

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:

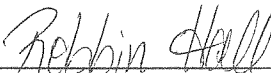
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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

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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

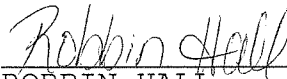
Water Right(s): 01-00029
01-00031 01-00032 01-00033
01-00035P 01-00117P 01-00249
01-00353 01-10093 01-10418

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

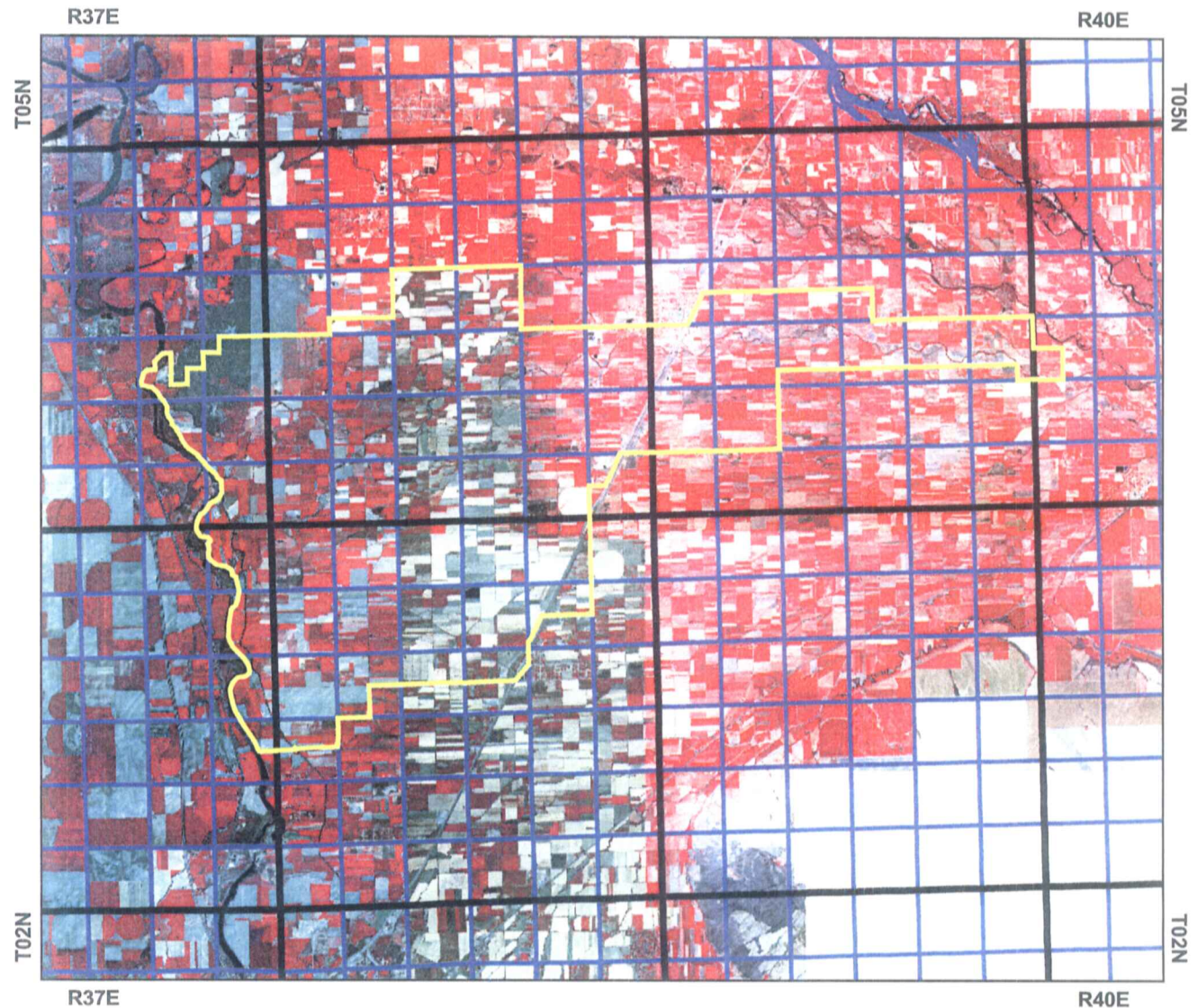
Service Area Boundary
GIS Place of Use Illustration

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