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DEPARTMENT OF
WATER RESOURCES

2008 OCT 22 AM 9:48

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 01-83X
	)	(Island Irrigation Co.)
Case No. 39576	)	
	)	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 claim to the Island Irrigation Company, c/o Richard Sheppard, 3837 East, 850 West, Rigby, Idaho, 83442, for 125.26 cfs from the Snake River to irrigate 3,166 acres within the area served by Island Irrigation Company, Jefferson County, from April 1 to October 31 with a priority date of June 1, 1891, based on a decree.

The claimant filed an *Objection* on March 14, 2007, objecting to name and address, quantity and purpose of use. The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on April 18, 2007, objecting to place of use.

The claimant was granted leave to amend its claim on July 10, 2008, and on August 28, 2008, IDWR filed its *Amended Director's Report, Subcase No. 01-83X*. No one opposed the amended recommendation and on October 1, 2008, the Special Master entered an *Order Dismissing Objection* dismissing the United States' *Objection*.

Conclusions of Law

The Island Irrigation Company is entitled to a partial decree adjudicating a water right as recommended by IDWR in its *Amended Director's Report* and as described in the attached *Special Master Recommendation for Partial Decree for Water Right 01-83X*.

DATED October 22, 2008.


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 01-00083X

NAME AND ADDRESS: ISLAND IRRIGATION CO
C/O RICHARD SHEPPARD
3837 E 850 W
RIGBY, ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 125.26 CFS

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION: T04N R39E S10 SWNESE Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	125.26 CFS
	Stockwater	01-01 TO 12-31	50.00 CFS

PLACE OF USE:

Place of use is within the area served by Island Irrigation 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.

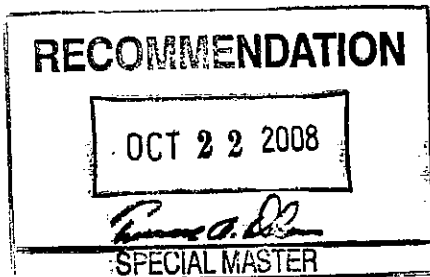
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Diversion of this right is restricted to exclude 150 consecutive days during the period from November 1 through April 30 pursuant to United States Contract No. 14-06-W-29 between the United States and Island Irrigation Company or as such contract may be amended, unless the United States agrees in writing not to enforce the winter water savings provision of the contract for a given period of time.

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

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 01-00083X

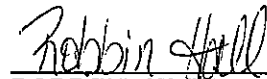
CERTIFICATE OF MAILING

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 October 22, 2008, with sufficient first-class postage prepaid to the following:

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

ISLAND IRRIGATION CO
C/O KENNETH THORNGREN
3829 E MENAN LORENZO HWY
RIGBY, ID 83442
Phone: 208-745-6114

ISLAND IRRIGATION CO
C/O RICHARD SHEPPARD
3837 E 850 W
RIGBY, ID 83442
Phone: 208-745-6114


ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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In Re SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

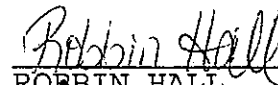
Water Right(s): 01-00083X

On October 22, 2008, 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 October 22, 2008.



ROBBIN HALL
Deputy Clerk