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JUL 23 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 22 2009	
By _____	Clerk
_____	Deputy Clerk

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 01-10509
	)	Twin Falls Canal Co. and
	)	North Side Canal Co., Ltd)
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 Twin Falls Canal Company, P.O. Box 326, Twin Falls, Idaho, 83303-0326, and the North Side Canal Company, Ltd, 921 N. Lincoln Avenue, Jerome, Idaho, 83338, for 24,400 afy from the Snake River for year-'round irrigation storage and irrigation from storage from March 15 to November 15 with a priority date of June 21, 1913, based on beneficial use.

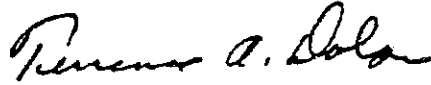
The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on April 18, 2007, objecting to place of use. The Canal Companies filed an *Objection* on April 19, 2007, objecting to priority date and remarks. The State of Idaho filed a *Response* on June 11, 2007.

The United States and the Canal Companies filed a *Stipulation to Resolve Objection* on November 12, 2008. Trial on the Canal Company *Objection* was held on November 13, 2008, but on February 23, 2009, the Canal Companies, the United States and the State, with IDWR's concurrence, filed a *Standard Form 5* agreeing to add remarks under quantity and other provisions, amend the priority date to March 1, 1905, amend the points of diversion and delete a certain explanatory material remark

Conclusions of Law

The Canal Companies are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 01-10509*.

DATED July 22, 2009.



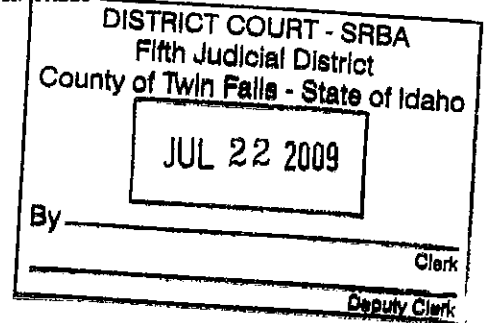
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 01-10509



NAME AND ADDRESS: TWIN FALLS CANAL COMPANY
PO BOX 326
TWIN FALLS, ID 83303-0326

NORTH SIDE CANAL CO LTD
921 N LINCOLN AVE
JEROME, ID 83338

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 24400.00 AFY

This right provides for maintaining a water surface elevation of 4133.72 feet measured at the upstream face of the dam consistent with the March 25, 1919 judgment entered by Judge Dietrich in the U.S. District Court case Twin Falls Canal Co. v. Twin Falls Land & Water Co. et al.

The volume delivered for irrigation under this right shall be limited to actual physical drawdown of Milner Reservoir at the end of the irrigation season between water-surface elevations of 4133.72 and 4130.72 feet.

PRIORITY DATE: 03/01/1905

POINT OF DIVERSION: T10S R21E S28 NWSW Within Twin Falls County
SWNW
SWNW Within Jerome County
S29 NESE Within Twin Falls County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	24400.00 AFY
	Irrigation from Storage	03-15 TO 11-15	24400.00 AFY

This right is for checking and impounding the waters of the Snake River at Milner Dam.

PLACE OF USE:

Place of use for irrigation from storage is within the boundaries of Twin Falls Canal Company and North Side Canal Company.

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

Irrigation from Storage is limited to delivery during the final days of the irrigation season, subject to irrigation demand, diversion limitations and reservoir operations. Irrigation from Storage is available to meet the irrigation needs of Twin Falls Canal Company and North Side Canal Company near the end of the irrigation season when their natural flow water rights at Milner Dam are not sufficient to fill their diversions. The right holder may reduce, as necessary, the water surface elevation to facilitate maintenance and repair on Milner Dam and appurtenant structures.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

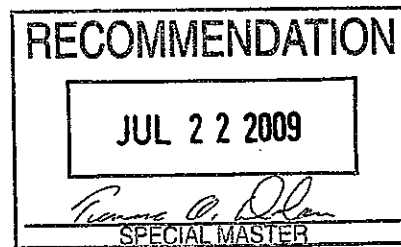
OTHER PROVISIONS (continued)

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





North Side Canal Co/Twin Falls Canal Co

SRBA Recommendations: 1-10509

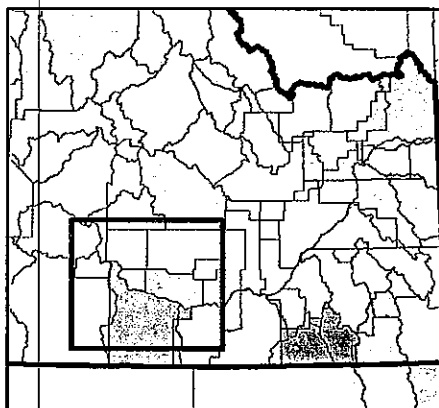
Service Area Boundary
GIS Place of Use Illustration

Legend

Service Area

State Outline

Townships



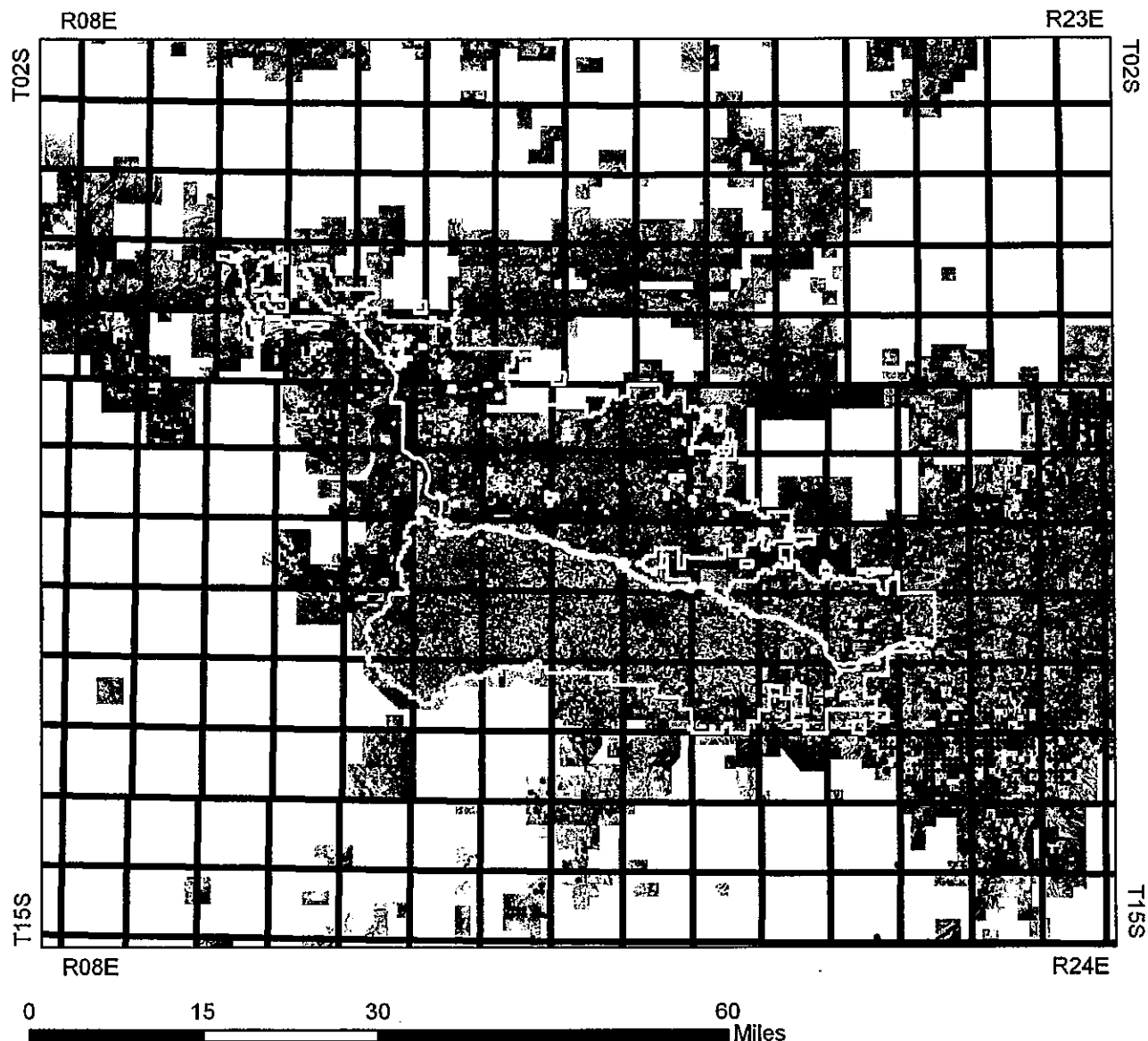
Cassia, Elmore, Gooding, Jerome,
Lincoln, Twin Falls Counties

IDWR Basin 1

Prepared by Danielle Favreau

On January 26, 2009

1987/88 Aerial Photography



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 22 2009	
By _____	Clerk
_____	Deputy Clerk

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

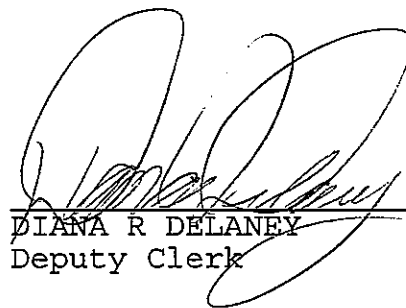
Water Right(s): 01-10509

On July 22, 2009, 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.

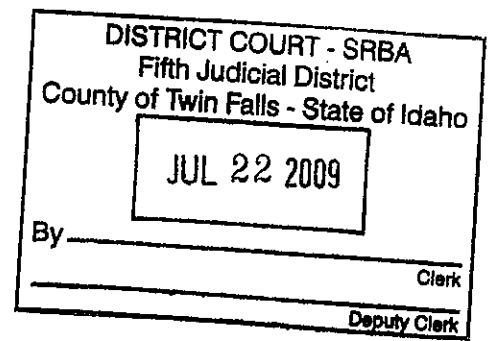
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 July 22, 2009.



DIANA R DELANEY
Deputy Clerk



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): 01-10509

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 July 22, 2009, with sufficient first-class postage prepaid to the following:

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

TWIN FALLS CANAL COMPANY
Represented by:
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

CERTIFICATE OF MAILING

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07/22/09

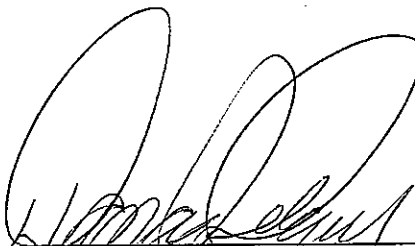
STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

NORTH SIDE CANAL CO LTD
921 N LINCOLN AVE
JEROME, ID 83338
Phone: 208-324-2319



DIANA R DELANEY
Deputy Clerk