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NOV 23 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 20 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	)	Subcases 01-138, 01-238 and 01-4021
	)	(North Rigby Irrigation & Canal Co., Inc.)
Case No. 39576	)	
_____	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

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 claims 01-138 and 01-238 to the North Rigby Irrigation & Canal Company, Inc., c/o Robert Goody, 3791 East, 500 North, Rigby, Idaho, 83442, for 50 cfs and 30 cfs from the Snake River for year-'round stockwater use and to irrigate 1,005 acres in Jefferson County from April 1 to October 31 with priority dates of June 10, 1883, and January 22, 1916, based on a decree. The Director recommended claim 01-4021 be disallowed: "No beneficial use found."

The United States of America, Department of Interior, Bureau of Reclamation filed an *Objection* in subcase 01-138 on April 19, 2007, objecting to period of year. On January 22, 2009, the North Rigby Irrigation & Canal Company and the USDI/BOR, with IDWR's concurrence, filed a *Standard Form 5* in subcase 01-138 agreeing to amend a remark under source and a remark under other provisions. On January 29, 2009, the North Rigby Irrigation & Canal Company filed another *SF-5* in subcase 01-238 adding a remark under source. No one objected to IDWR's recommendation that claim 01-4021 be disallowed.

Conclusions of Law

1. The North Rigby Irrigation & Canal Company is entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 01-138 and 01-238*; and
2. The North Rigby Irrigation & Canal Company is **not** entitled to a partial decree for claim 01-4021.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 01-4021 be **disallowed**.

DATED November 20, 2009.



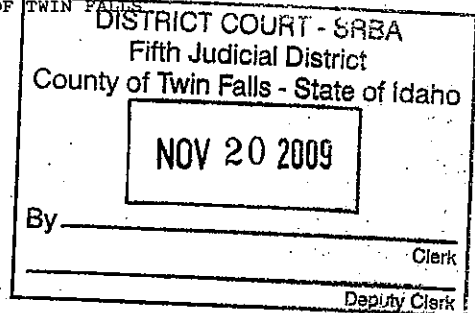
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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 01-00138



NAME AND ADDRESS: NORTH RIGBY IRRIGATION & CANAL
CO INC
C/O ROBERT GOODY
3791 E 500 N
RIGBY, ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Water is delivered through the Great Feeder Canal to the North
Rigby Irrigation & Canal Co. point of diversion.

QUANTITY: 50.00 CFS

PRIORITY DATE: 06/10/1883

POINT OF DIVERSION: T04N R39E S09 SWNW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	50.00 CFS
	Stockwater	01-01 TO 12-31	13.00 CFS

PLACE OF USE:

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)(b). 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. Place of use is within the area served by North Rigby Irrigation & Canal Company.

1005 ACRES TOTAL

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-43 between the United States and North Rigby Irrigation and Canal Company, Inc., 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).

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 01-00238

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 20 2009

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: NORTH RIGBY IRRIGATION & CANAL
CO INC
C/O ROBERT GOODY
3791 E 500 N
RIGBY, ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Water is delivered through the Great Feeder Canal to the North
Rigby Irrigation & Canal Co. point of diversion.

QUANTITY: 30.00 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION: T04N R39E S09 SWNW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	30.00 CFS

PLACE OF USE:

Place of use is within the area served by North Rigby Irrigation
& Canal 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.
1005 ACRES TOTAL

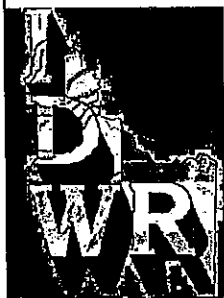
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 A. McLarnon
Presiding Judge
Snake River Basin Adjudication
RECOMMENDATION
NOV 20 2009
Thomas A. Olsen
SPECIAL MASTER



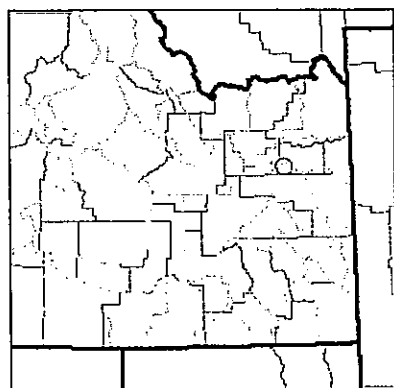
North Rigby Irrigation & Canal Co Inc

SRBA Recommendations: 1-138, 1-238

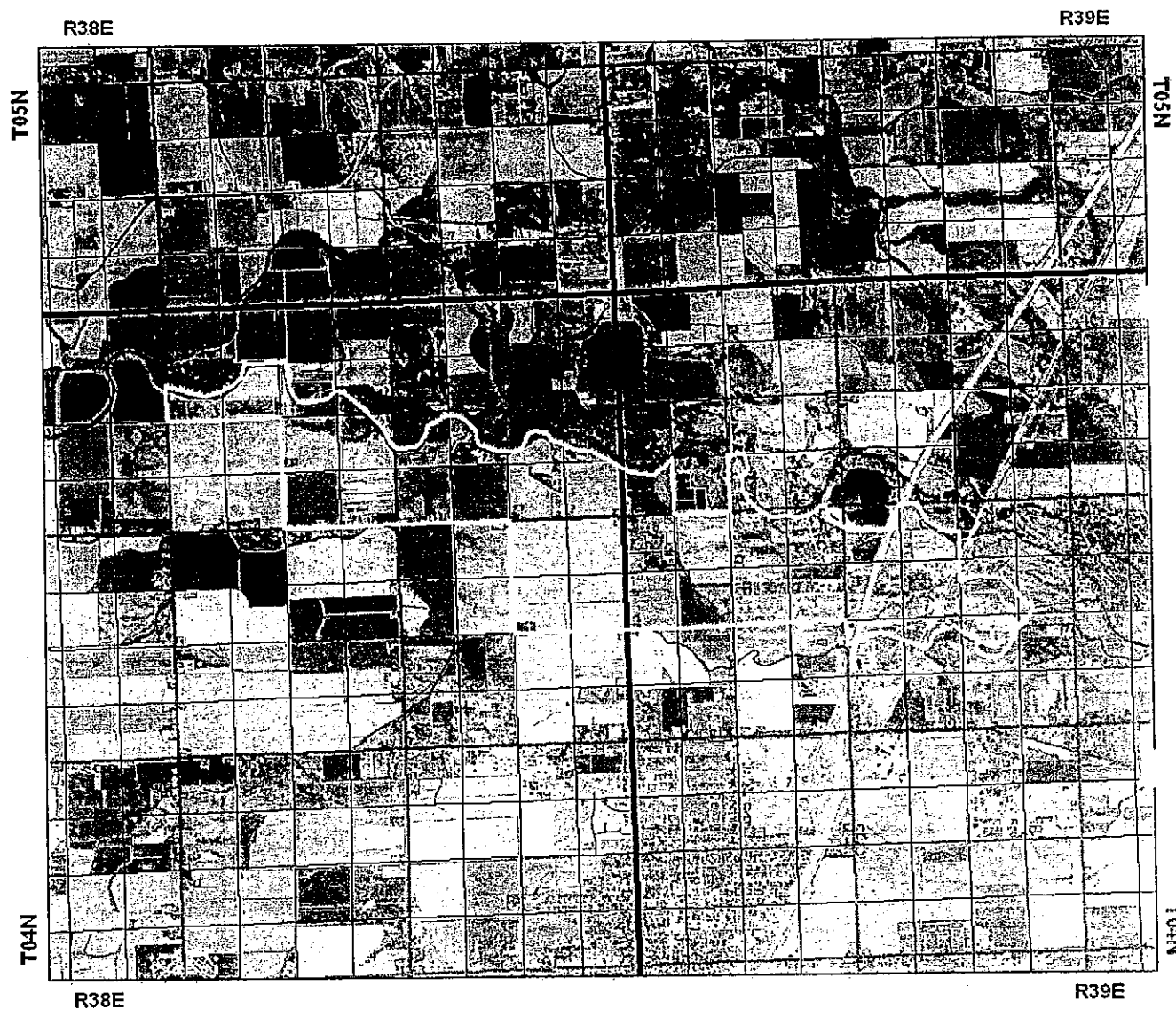
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters



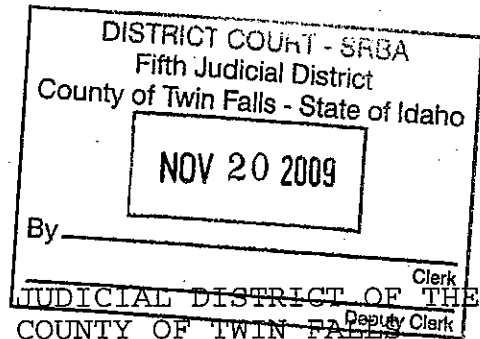
Jefferson County
IDWR Basin 1



0

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Prepared by M. Holliday
On Tuesday, December 12, 2006
2004 Aerial Photography



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): 01-00138
01-00238 01-04021

On November 20, 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 November 20, 2009.


D'ANNA R. DELANEY
Deputy Clerk

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 20 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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 01-00138
01-00238 01-04021

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 November 20, 2009, with sufficient first-class postage prepaid to the following:

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

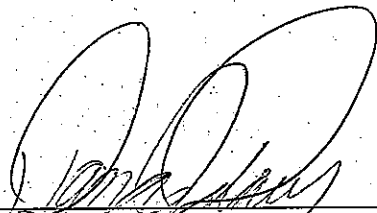
NORTH RIGBY IRRIGATION & CANAL
CO INC
C/O ROBERT GOODY
3791 E 500 N
RIGBY, ID 83442

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

CERTIFICATE OF MAILING

PAGE 1
11/20/09

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



DIANA R DELANEY
Deputy Clerk