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APR 26 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 23 2010	
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 01-23B and 01-297
	)	(Aberdeen-Springfield Canal Co.)
Case No. 39576	)	
_____	)	SPECIAL MASTER REPORT

Findings of Fact

Director's Report

01-23B – the Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, IDWR Lower Basin 01* on May 15, 2006. The Director recommended the claim to the Aberdeen-Springfield Canal Company, P.O. Box 857, Aberdeen, Idaho, 83210, for 1,172.1 cfs from the Snake River to irrigate 58,942 acres within the area served by the Aberdeen-Springfield Canal Company and for recharge for irrigation of 21,094 acres from April 1 to October 31 with a priority date of February 6, 1895, based on a decree.

Under quantity and place of use, the Director included the remark: "Diversion of rights 1-23B and 1-297 for the purpose of recharge for irrigation is authorized for a maximum of 501.8 cfs / 21,094 acres." Under explanatory material, the Director included the remark: "Right includes accomplished change in purpose of use / place of use pursuant to Section 42-1425, Idaho Code."

01-297 – the Director recommended this claim to Aberdeen-Springfield for 230 cfs from the Snake River for the same uses with a priority date of April 1, 1939, based on a decree with the same remarks as 01-23B.

Initial Objections

USDI/BLM – the United States of America, Department of Interior, Bureau of Land Management filed *Objections* on September 29, 2006, objecting to place of use.

Aberdeen-Springfield – Aberdeen-Springfield filed *Objections* on October 5, 2006, objecting to place of use and other provisions.

USDI/BOR – the same date, the United States of America, Department of Interior Bureau of Reclamation filed *Objections* to place of use.

Initial Response

USDI/BOR – the BOR filed a *Response* in 01-297 on December 7, 2006, on the other provisions element.

Amended Claims

On June 21, 2007, Aberdeen-Springfield was granted leave to amend its claims “to more accurately [identify] the place of use resulting in a larger number of acres than originally claimed.”

Amended Director’s Reports

IDWR filed its *Amended Director’s Reports, Subcase Nos. 01-23B, 01-297, 35-2543 & 35-4246* on March 25, 2008. While the quantities remained unchanged, the recommended place of use served by Aberdeen-Springfield under its four claims was increased from 58,942 acres to 61,772.6 acres. Additionally, the Director recommended the following remarks for 01-23B only:

Diversion of this right for the purpose of recharge for irrigation is authorized for a maximum of 17,161.6 acres.

The administration of this right is further defined and set forth in the Settlement Agreement Regarding Aberdeen-Springfield Canal Company’s Basin 01 Surface Water Rights and Consolidated SRBA Subcase No. 35-2315, recorded as instrument number 563578 in the Bingham County Recorder’s Office, Blackfoot, Idaho.

Objections to Amended Claims, Motion to Strike and Late Responses

On April 28, 2008, the Surface Water Coalition filed *Objections* to priority date, purpose of use, place of use and remarks. On July 16, 2008, Aberdeen-Springfield's *Motion to Strike Objections* was denied and the State of Idaho was granted leave to file late *Responses*.

Summary Judgment

On June 11, 2009, the Special Master entered an *Order Partially Granting Aberdeen-Springfield's Motion for Summary Judgment and Denying Surface Water Coalition's Motion for Summary Judgment and Motion to Strike Affidavits*. In that *Order*, the Special Master concluded that 1) recharge for irrigation was recognized as a beneficial use of water before enactment of its groundwater recharge statute in 1978, and 2) a portion of ASCC's diversion from the Snake River decreed "for irrigation and other purposes" in water right 01-23B was lawfully changed to "recharge for irrigation" with a priority date of February 6, 1895.

Stipulation to Resolve Objections

On July 21, 2009, the parties and IDWR filed a *Stipulation to Resolve Objections* resolving objections filed by the BLM and BOR.

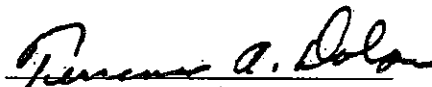
Motion for Reconsideration

On January 8, 2010, the Special Master entered an *Order Denying Motion for Reconsideration* and during a status conference held by telephone on April 22, 2010, no one opposed entry of a Report and recommendation in the two subcases.

Conclusions of Law

The Aberdeen-Springfield Canal Company is entitled to water rights as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 01-23B and 01-297*.

DATED April 23, 2010.



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 01-00023B

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO
PO BOX 857
ABERDEEN, ID 83210

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1172.10 CFS

PRIORITY DATE: 02/06/1895

POINT OF DIVERSION: T01S R36E S34 LOT 14 (SENE) Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1172.10 CFS
	Recharge for Irrigation	04-01 TO 10-31	389.50 CFS

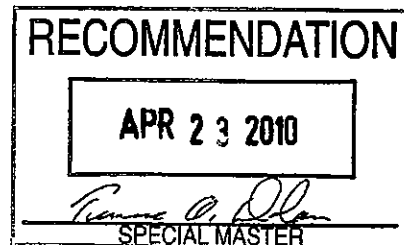
PLACE OF USE:

61,772.6 ACRES TOTAL
The rights listed below are limited to the irrigation of a combined total of 61,772.6 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246. Place of use is within the area served by Aberdeen-Springfield Canal Company. Diversion of this right for the purpose of recharge for irrigation is authorized for a maximum of 17,161.6 acres. 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:

The administration of this right is further defined and set forth in the Settlement Agreement Regarding Aberdeen-Springfield Canal Company's Basin 01 Surface Water Rights and Consolidated SRBA Subcase No. 35-2315, recorded as instrument number 563578 in the Bingham County Recorder's Office, Blackfoot, Idaho.

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

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
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 01-00297

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO
PO BOX 857
ABERDEEN, ID 83210

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 230.00 CFS

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION: T01S R36E S34 LOT 14 (SENE) Within Bingham County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 230.00 CFS

PLACE OF USE:

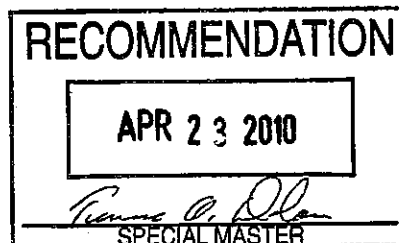
61772.6 ACRES TOTAL

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. Place of use is within the area served by Aberdeen-Springfield Canal Company. The rights listed below are limited to the irrigation of a combined total of 61,772.6 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246.

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

The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.

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

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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

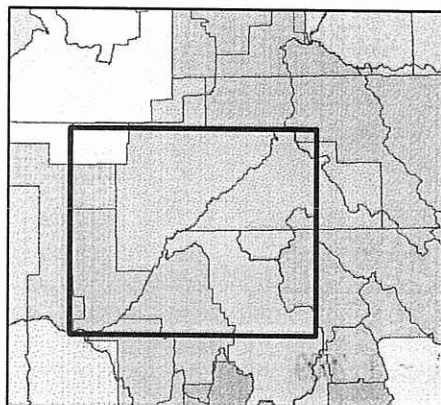
01-25



Service Area Boundary
GIS Place of Use Illustration

Legend

- Service Area
- State Outline
- Townships

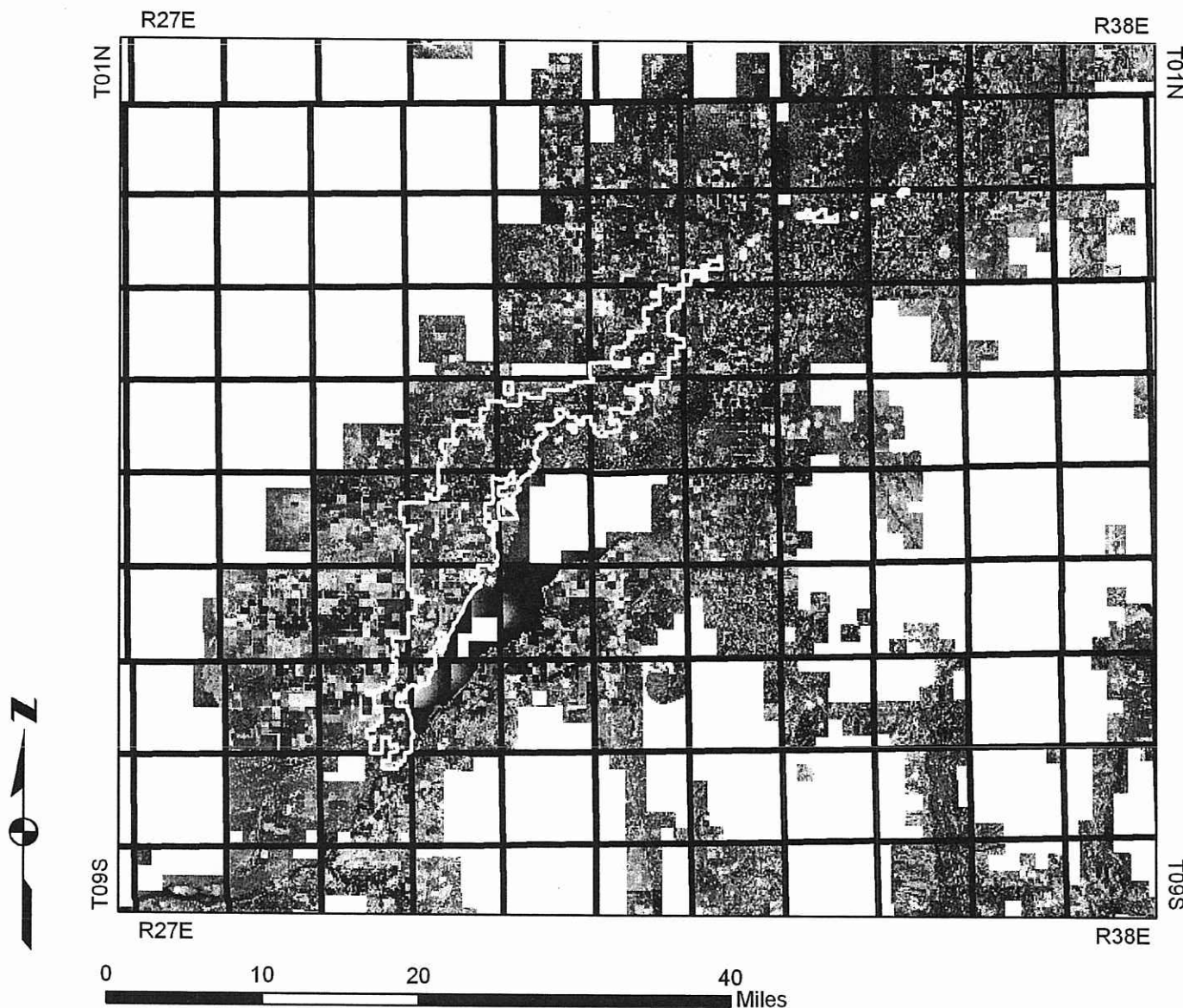


Bingham, Power Counties
IDWR Basin 35

Prepared by Sandy Egbert
On April 07, 2009
1987/88 Aerial Photography

Aberdeen-Springfield Canal Co

Adjudication Recommendations: 1-23B, 1-297, 35-2543, 35-4246



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

AUG - 3 2009

By _____

Clerk

Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR 23 2010	
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

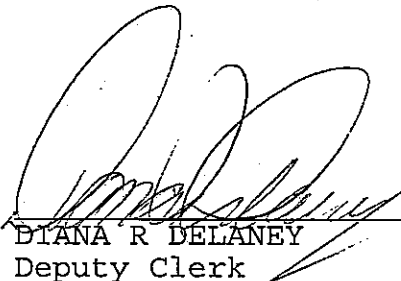
Water Right(s): 01-00023B
01-00297

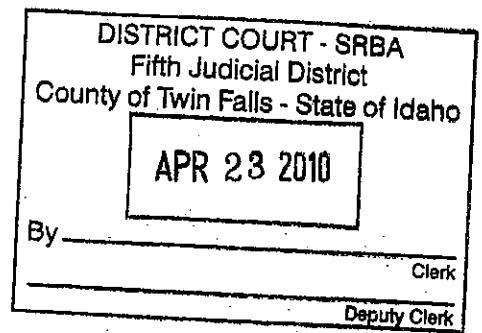
On April 23, 2010, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 April 23, 2010.


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): 01-00023B
01-00297

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 April 23, 2010, with sufficient first-class postage prepaid to the following:

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

AMERICAN FALLS RESERVOIR
Represented by:
C THOMAS ARKOOSH
CAPITOL LAW GROUP, PLLC
301 MAIN ST
PO BOX 32
GOODING, ID 83330
Phone: 208-934-8872

CERTIFICATE OF MAILING

PAGE 1
04/23/10

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

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BOISE, ID 83711-4449

ABERDEEN-SPRINGFIELD CANAL CO

Represented by:

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PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101

A & B IRRIGATION DISTRICT

BURLEY IRRIGATION DISTRICT

MILNER IRRIGATION DISTRICT

NORTH SIDE CANAL CO LTD

TWIN FALLS CANAL COMPANY

Represented by:

TRAVIS L THOMPSON

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Phone: 208-733-0700

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

MINIDOKA IRRIGATION DISTRICT

Represented by:

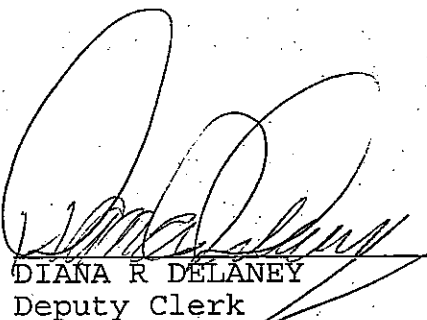
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DIANA R DELANEY
Deputy Clerk