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JUN 03 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN - 2 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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS: 21- 12920,
_____	)	21-12953 AND 21-12956

I. FINDINGS OF FACT

Claims were filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

The United States Bureau of Land Management filed *Objections* for these water rights. *Standard Forms 5* were filed for all three rights on September 18, 2007. However, *Late Objections* were filed by Minidoka Irrigation District, American Falls Reservoir District #2, Twin Falls Canal Co., North Side Canal Co., and Milner Irrigation Dist. in subcases 21-12953 and 21-12920. An *Order Granting Motion to File Late Objection* was issued Oct. 17, 2007. *Amended Standard Forms 5* were filed June 5, 2009. All parties to the subcase and IDWR are signatories to the *Amended Standard Forms 5*.

A. Digital Boundary

The place of use for this right is a digital boundary and is illustrated by the map overlay attached to the Recommendation for Partial Decree. The digital boundary for the place of use is described on a CD-Rom filed with the court.

II. CONCLUSIONS OF LAW

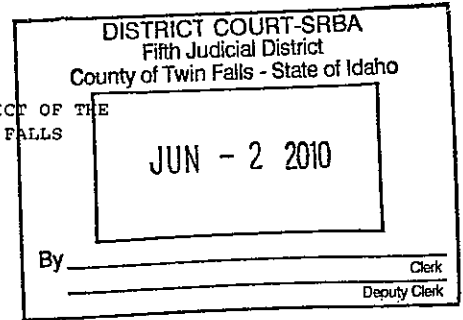
Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendations for Partial Decree*.

DATED: June 2, 2010.


BRIGETTE BILYEU
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 21-12920



NAME AND ADDRESS: SOUTHEAST IDAHO CANAL CO
PO BOX 15
ST ANTHONY, ID 83445

SOURCE: HENRYS FORK TRIBUTARY: SNAKE RIVER

QUANTITY: 150.00 CFS

PRIORITY DATE: 06/01/1892

POINT OF DIVERSION: T08N R41E S33 NWNE Within Fremont County

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Rights 21-12902, 21-12920, 21-12907, 21-12955, 21-12954 are
diverted through the point(s) of diversion described above.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	150.00 CFS
	Stockwater	01-01 TO 12-31	15.00 CFS
	Commercial	04-01 TO 10-31	0.25 CFS
	Mining	04-01 TO 10-31	0.25 CFS
	Subirrigation	11-01 TO 03-31	60.44 CFS

Sub-irrigation is authorized between 11/1 and 3/31 consistent
with the practices described in the Rexburg Irr. Co. v. Teton
Irr. Co. Decree (including paragraph 31).

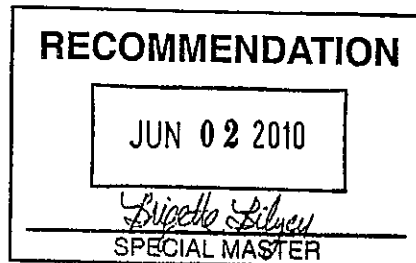
PLACE OF USE:

16274.8 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.

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.

Eric J. Wildman
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

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

JUN - 2 2010

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 21-12953

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: SOUTHEAST IDAHO CANAL CO
PO BOX 15
ST ANTHONY, ID 83445

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DEPARTMENT OF
WATER RESOURCES

SOURCE: FALLS RIVER TRIBUTARY: HENRYS FORK

Point of injection into and point of redirection from Teton
River.

QUANTITY: 339.84 CFS

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION: T07N R41E S15 NESW (Injection) Within Fremont County
R42E S23 NWSE (Rediversion)
T08N R41E S14 LOT 3 (SWSE)
R42E S20 LOT 8 (SESE)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	07-01 TO 10-31	339.84 CFS
Stockwater	01-01 TO 12-31	45.00 CFS
Subirrigation	11-01 TO 03-31	116.10 CFS

Sub-irrigation is authorized between 11/1 and 3/31 consistent
with the practices described in the Rexburg Irr. Co. v. Teton
Irr. Co. Decree (including paragraph 31).

PLACE OF USE:

16274.8 ACRES TOTAL

The boundary encompassing the place of use for this water right
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42-202B(2) and authorized pursuant to I.C. Section
42-1411(2)(h). The data comprising the digital boundary are
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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).

RECOMMENDATION

JUN 02 2010

Bigetto Lilley
SPECIAL MASTER

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.

Eric J. Wildman
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
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 21-12956

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUN - 2 2010
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: SOUTHEAST IDAHO CANAL CO
PO BOX 15
ST ANTHONY, ID 83445

SOURCE: FALLS RIVER TRIBUTARY: HENRYS FORK

Point of injection into and point of redirection from Teton River.

QUANTITY: 434.00 CFS

Right Nos. 21-12956 and 21-12953 are limited to a total combined diversion rate of 434 cfs.

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION: T07N R41E S15 NESW (Injection) Within Fremont County
R42E S23 NWSE (Rediversion)
T08N R41E S14 LOT 3 (SWSE)
R42E S20 LOT 8 (SESE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 06-30	434.00 CFS
	Stockwater	04-01 TO 10-31	1.10 CFS

PLACE OF USE:

16274.8 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.

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).

RECOMMENDATION
JUN 02 2010
<i>Diggett Silbey</i> SPECIAL MASTER

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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication



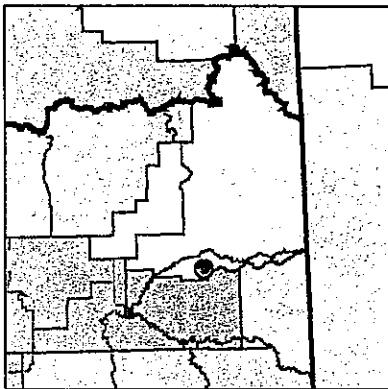
Southeast Idaho Canal Co

SRBA Recommendations: 21-12902, 21-12907, 21-12911, 21-12919, 21-12920, 21-12953, 21-12954, 21-12955, 21-12956

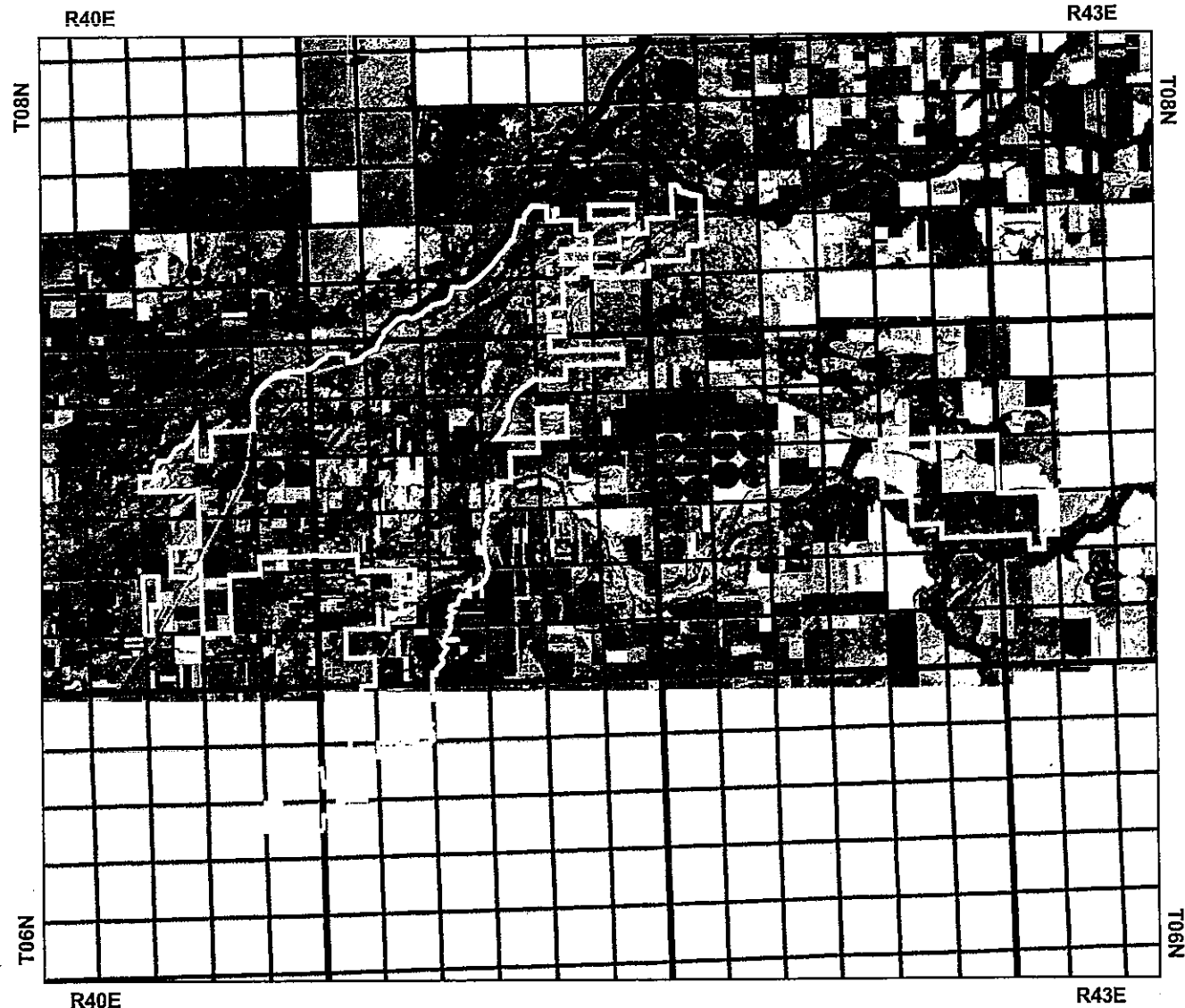
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections



Fremont, Madison Counties
IDWR Basin 21



0 7 14 Miles

Prepared by D. Favreau
On Friday, September 14, 2007
1987/88 Aerial Photography

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WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN - 2 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): 21-12920
21-12953 21-12956

On June 02, 2010, Special Master BRIGETTE BILYEU
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 June 02, 2010.


JANET CONNELL
Deputy Clerk

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WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUN - 2 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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 21-12920
21-12953 21-12956

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 June 02, 2010, with sufficient first-class postage prepaid to the following:

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

MILNER IRRIGATION DISTRICT
Represented by:
BARKER, RSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

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
06/02/10

SOUTHEAST IDAHO CANAL CO

Represented by:

JERRY R. RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

A & B IRRIGATION DISTRICT

BURLEY IRRIGATION DISTRICT

Represented by:

ROGER D LING

615 H ST

PO BOX 396

RUPERT, ID 83350-0396

Phone: 208-436-4717

NORTH SIDE CANAL CO LTD

TWIN FALLS CANAL COMPANY

Represented by:

TRAVIS L THOMPSON

113 MAIN AVE W, STE 303

PO BOX 485

TWIN FALLS, ID 83303-0485

Phone: 208-733-0700

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT

Represented by:

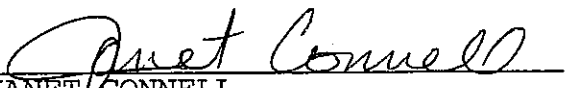
W KENT FLETCHER

1200 OVERLAND AVE

PO BOX 248

BURLEY, ID 83318

Phone: 208-678-3250


JANET CONNELL
Deputy Clerk