

JUN 14 2010

**DEPARTMENT OF
WATER RESOURCES**

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

JUN 11 2010

By _____ Clerk
DISTRICT OF THE _____ 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

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

**FOR WATER RIGHTS: 22-571,
22-12696 and 22-12697**

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.

Objections were filed by the Twin Falls Canal Company, North Side Canal Company, Milner Irrigation District, A & B Irrigation District, and Burley Irrigation District. The *Objections* were resolved on May 14, 2009 with the filing of *Standard Forms 5*. All parties to the subcase and IDWR are signatories to the *Standard Forms 5*.

A. Digital Boundary

The place of use for these rights is a digital boundary and is illustrated by the map overlay attached to the Recommendations 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 11, 2010.

Brigitte Bilyeu
BRIGITTE 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

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUN 11 2010
By _____ Clerk Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-00571

NAME AND ADDRESS: TETON ISLAND FEEDER CANAL CO
386 N 2400 E
ST ANTHONY, ID 83445

SOURCE: TETON RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 3.36 CFS

PRIORITY DATE: 06/01/1888

POINT OF DIVERSION: T07N R40E S36 NWSNW Within Fremont County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	3.36 CFS
Subirrigation	11-01 TO 03-31	3.36 CFS

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DEPARTMENT OF
WATER RESOURCES

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:

The rights listed below are limited to the irrigation of a combined total of 9448.2 acres in a single irrigation season. Combined Right Nos.: 22-288, 22-571, 22-589B, 22-12694, 22-12695, 22-12696, 22-12697.

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 Teton Island Feeder Canal Company.

9448.2 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).

RECOMMENDATION
JUN 11 2010
<i>Lizette Lilley</i> SPECIAL MASTER

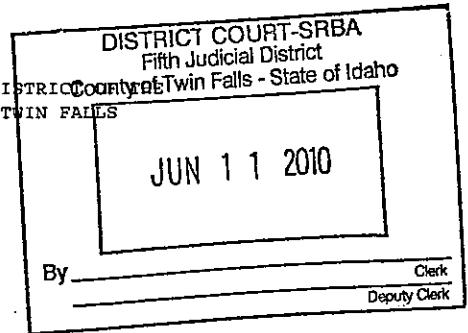
RULE 54(b) CERTIFICATE

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
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 22-12696



NAME AND ADDRESS: TETON ISLAND FEEDER CANAL CO
386 N 2400 E
ST ANTHONY, ID 83445

SOURCE: TETON RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 244.32 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION: T07N R40E S36 NWSENW Within Fremont County

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DEPARTMENT OF
WATER RESOURCES

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	244.32 CFS
	Subirrigation	11-01 TO 03-31	244.32 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:

Place of use is within the area served by Teton Island Feeder Canal Company.

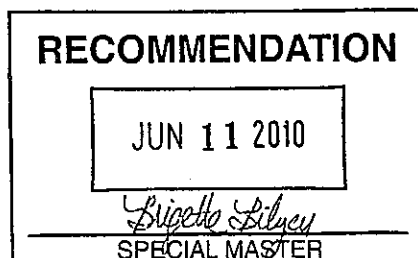
The rights listed below are limited to the irrigation of a combined total of 9448.2 acres in a single irrigation season. Combined Right Nos.: 22-288, 22-571, 22-589B, 22-12694, 22-12695, 22-12696, 22-12697.

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.

9448.2 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.

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

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

DISTRICT OF THE
TWIN FALLS

JUN 11 2010

By _____ Clerk

Deputy Clerk

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WATER RESOURCES

PAGE 1
Jun-04-2010

RULE 54(b) CERTIFICATE

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



Teton Island Feeder Canal Co

SRBA Recommendations: 22-288, 22-571, 22-589B, 22-12694, 22-12695, 22-12696, 22-12697

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

JUN 11 2010

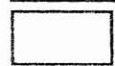
Service Area Boundary
GIS Place of Use Illustration

Legend

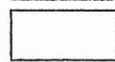
Service Area



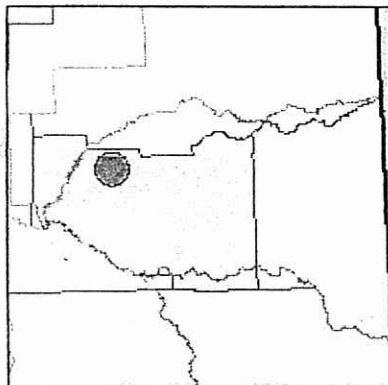
Townships



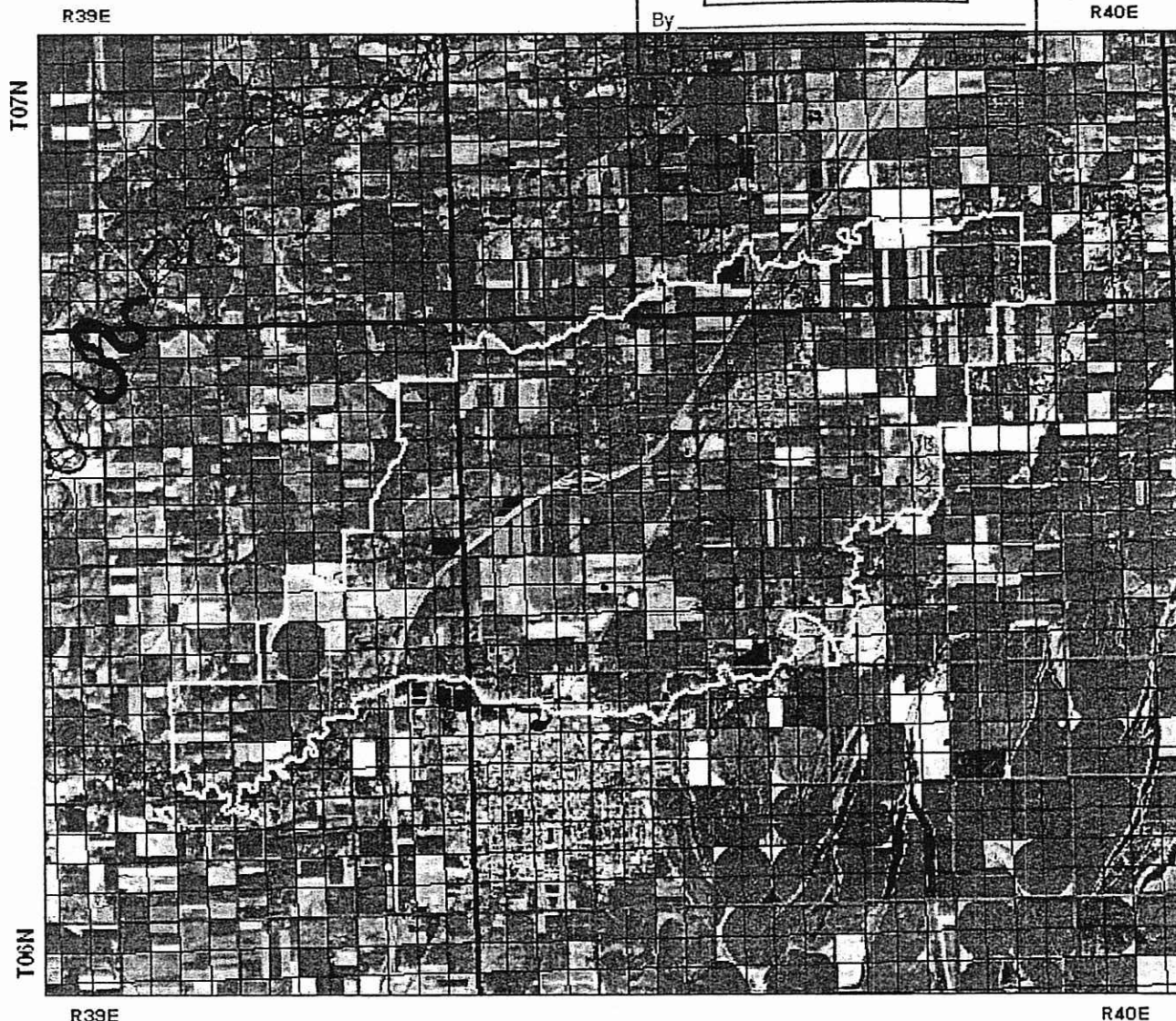
PLS Sections



Quarter Quarters



Madison County
IDWR Basin 22



By

Prepared by T. Galbraith
On Saturday, December 16, 2006
1987/88 Aerial Photography

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 11 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): 22-00571
22-12696 22-12697

On June 11, 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 11, 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 11 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): 22-00571
22-12696 22-12697

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 11, 2010, with sufficient first-class postage prepaid to the following:

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

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT
MILNER IRRIGATION DISTRICT

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

PAGE 1
06/11/10

TETON ISLAND FEEDER CANAL CO

Represented by:

JERRY R. RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

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

ROGER D LING

615 H STREET

PO BOX 396

RUPERT, ID 83350-0396


JANET CONNELL
Deputy Clerk