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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL - 9 2010	
By _____	Clk _____
Date & Co. _____	

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
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-31937
and 63-32480

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On June 20, 2007, the Boise City Canal Company, through its attorney Bruce Smith, filed an objection to the *Director's Report* for water right 63-31938. Water right claim 63-32840 was identified as an uncontested overlapping claim. On September 18, 2009, the Boise City Canal Company withdrew its objection. On June 23, 2010, the claimant and IDWR filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each subcase for the purpose of making technical changes to the water rights.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-31937 and 63-32480 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated July 9, 2010



Theodore R. Booth
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 63-32480

NAME AND ADDRESS: DRAINAGE DIST NO 2
C/O BRYCE FARRIS
RINGERT LAW
PO BOX 2773
BOISE, ID 83701

SOURCE: UNNAMED DRAINS TRIBUTARY: BOISE RIVER

QUANTITY: 50.00 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.

PRIORITY DATE: 03/12/1923

POINT OF DIVERSION: T04N R01W S05 NWSWS Within Ada County
R02W S10 SWNWSE Within Canyon County

This water right provides for the diversion of 36.5 cfs from the Star Feeder in the NWSWS, S5, T4N, R1W for the Middleton Mill Ditch Co and Middleton Irrigation Association, and 13.5 cfs from the Watts Check in the SWNWSE, S10, T4N, R2W for the Canyon County Water Co Ltd.

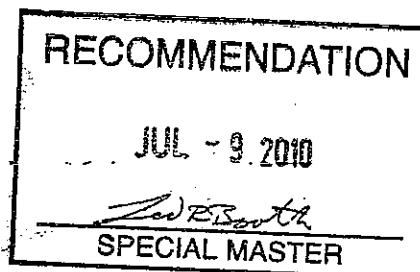
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	50.00 CFS

PLACE OF USE: The place of use for the 36.5 cfs from the Star Feeder is 5,193 acres to be used within the digital boundaries of the Middleton Mill Ditch Co and Middleton Irrigation Association Co Ltd. The place of use for the 13.5 cfs from the Watts Check is 1,916 acres to be used within the digital boundaries of the Canyon County Water Co Ltd.

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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 63-31937

NAME AND ADDRESS: DRAINAGE DIST NO 2
C/O BRYCE FARRIS
RINGERT LAW
PO BOX 2773
BOISE, ID 83701

SOURCE: WASTE WATER TRIBUTARY: BOISE RIVER

QUANTITY: 100.00 CFS

PRIORITY DATE: 07/13/1923

POINT OF DIVERSION: T03N R02E S05 SENE Within Ada County
S24 LOT 1 (NWNE)
T04N R01E S16 LOT 8 (NESE)
S23 LOT 1 (NESE)
R01W S13 LOT 1 (NENE)
S14 LOT 3 (NENW)
S17 LOT 4 (SWSW)

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

Irrigation

PERIOD OF USE

03-01 TO 11-15

QUANTITY

100.00 CFS

THE WATER AUTHORIZED BY THIS RIGHT IS CREDITED FOR DELIVERY TO
THE FOLLOWING IRRIGATION CANALS AS A PERCENT OF THE TOTAL
AUTHORIZED: FARMERS UNION CANAL--20.99 PERCENT; BOISE VALLEY
CANAL--10.03 PERCENT; NEW DRY CREEK CANAL--9.47 PERCENT; NEW
UNION CANAL--1.21 PERCENT; MIDDLETON CANAL--35.0 PERCENT; CANYON
COUNTY CANAL--12.68 PERCENT; BALLENTYNE CANAL--3.04 PERCENT;
BOISE CITY CANAL--3.01 PERCENT; LITTLE PIONEER CANAL--4.46
PERCENT.

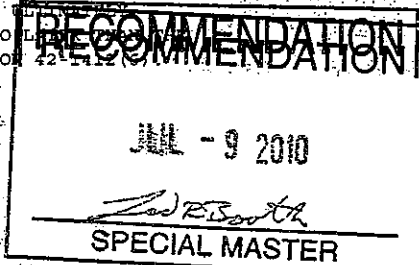
PLACE OF USE:

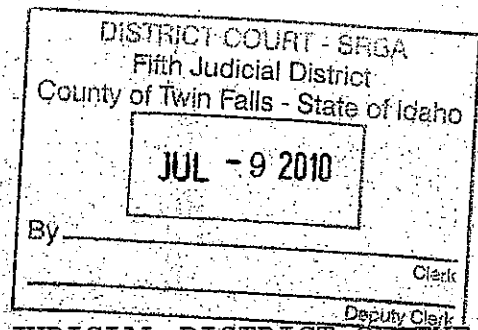
This water is collected within the boundaries of Drainage
District No. 2 and is limited to the irrigation of 31,536.3
acres within the digital boundaries of the following ditch
companies: Farmers Union Canal, Boise Valley Canal, New Dry
Creek Canal, New Union Canal, Middleton Canal, Canyon County
Canal, Ballentyne Canal, Boise City Canal, Little Pioneer Canal.

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

The source of this right is wastewater collected by the
rightholder and returned to the Boise River. The quantity of
water returned to the Boise River is exchanged for an equal
quantity of water which is diverted upstream at points of
diversion by the delivery organizations listed above, in the
percentages indicated, to be used on the place of use within the
boundaries for each individual delivery organization's rights.

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
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-111





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

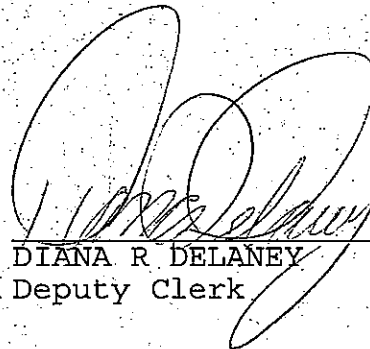
Water Right(s): 63-31937
63-32480

On July 09, 2010, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

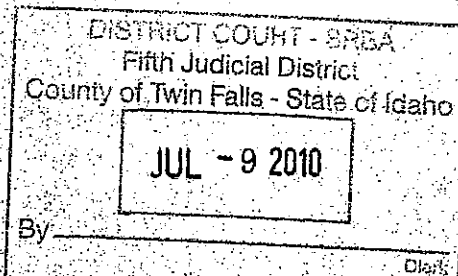
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 09, 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): 63-31937
63-32480

CERTIFICATE OF MAILING

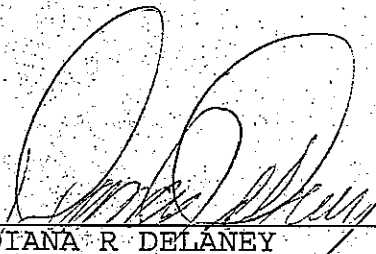
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 09, 2010, with sufficient first-class postage prepaid to the following:

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

BOISE CITY CANAL CO
Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702
Phone: 208-331-1800

ADA COUNTY DRAINAGE DIST NO 2
DRAINAGE DIST NO 2
Represented by:
S. BRYCE FARRIS
RINGERT LAW CHARTERED
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

CERTIFICATE OF MAILING


DIANA R. DELANEY
Deputy Clerk

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07/09/10