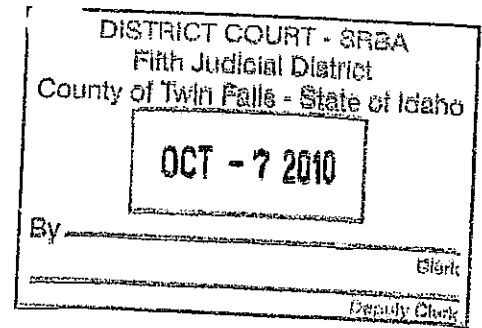


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OCT 08 2010

DEPARTMENT OF
WATER RESOURCES



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	)	Subcase 36-4080
	)	(City of Burley)
Case No. 39576	)	
_____	)	SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Reporting Area 3 (Basin 36)* on November 2, 1992. The Director recommended the claim to the City of Burley, P.O. Box 1090, Burley, Idaho, 83318, for 2.67 cfs from groundwater for year-round municipal use within Minidoka and Cassia Counties with a priority date of November 1, 1962, based on beneficial use.

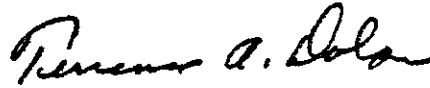
The United States of America filed an *Objection* on April 30, 1993, objecting to consumptive use and remarks, but on April 13, 1995, its *Objection* was dismissed based on a *Stipulation*. On May 8, 1995, the City of Burley was granted leave to file its late *Objection* objecting to quantity and consumptive use and the subcase was stayed on January 29, 1997, pending the filing of a director's report in Basin 45.

The City of Burley filed another *Objection* on November 30, 2004, objecting to quantity and priority date and on January 28, 2005, and February 28, 2008, the City was granted leave to file its *Amended Notice of Claim*. IDWR filed its *Amended Director's Report* in multiple subcases, including 36-4080, and on October 28, 2008, the City filed its third *Objection* objecting to quantity, priority date, point of diversion and place of use. Finally, on October 1, 2010, the City, with IDWR's concurrence, filed a *Standard Form 5* agreeing to .91 cfs with a priority date of August 7, 1961.

Conclusions of Law

The City of Burley is entitled to a partial decree adjudicating a water right as described in the SF-5 and the attached *Special Master Recommendation for Partial Decree for Water Right 36-4080*.

DATED October 7, 2010.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication