

RECEIVED
OCT 20 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 19 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	) Subcase 01-10488
	) (North Side Canal Co., Ltd)
Case No. 39576	)
	) SPECIAL MASTER REPORT
_____	)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area Basin 01, IDWR Part 2* on December 19, 2006. The Director recommended the claim, filed by the North Side Canal Company, Ltd., 921 N. Lincoln Avenue, Jerome, Idaho, 83338, be disallowed: "No beneficial use found." The claimant filed an *Objection* on April 17, 2007, objecting to the claim not being recommended as claimed.

On June 22, 2009, *Objections* filed by the Ground Water Districts in multiple subcases, including 01-10488, were dismissed. On August 31, 2010, IDWR filed an *Amended Director's Report* recommending the claim for 27.94 cfs from the Snake River to irrigate 155,464 acres from March 15 to November 15 with a priority date of March 17, 1987, based on an enlargement / beneficial use. The claimant filed a second *Objection* on September 22, 2010, objecting to quantity and place of use.

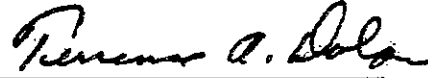
On October 12, 2010, the claimant and respondent the State of Idaho, with IDWR's concurrence, filed a *Standard Form 5* agreeing to 82.66 cfs to irrigate 158,200 acres and other remarks plus the following caveat: "This SF5 does not resolve North Side Canal Company's digital boundary, which is at-issue in other proceedings."

Conclusions of Law

The North Side Canal Company 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 01-10488, PROVIDED, HOWEVER, THE NORTH SIDE CANAL COMPANY'S DIGITAL BOUNDARY IS FIRST RESOLVED. UNTIL THEN, THE SUBCASE SHALL NOT PROCEED FURTHER TOWARD PARTIAL DECREE.

DATED October ¹⁹~~18~~, 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 01-10488

NAME AND ADDRESS: NORTH SIDE CANAL CO LTD
921 N LINCOLN AVE
JEROME, ID 83338

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 82.66 CFS

The rights listed below are limited to a total combined diversion
rate of 4132 cfs. Combined Right Nos.: 1-5, 1-16, 1-210, 1-212,
1-213 and 1-10488.

PRIORITY DATE: 03/17/1987

This water right is subordinate to all water rights with a
priority date earlier than April 12, 1994, that are not decreed
as enlargements pursuant to Section 42-1426, Idaho Code. As
between water rights decreed as enlargements pursuant to
Section 42-1426, Idaho Code, the earlier priority right is the
superior right.

POINT OF DIVERSION: T01S R21E S22 SESE Within Jerome County
S28 LOT 5 (SWSWNW)
LOT 5 (SNNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	82.66 CFS

PLACE OF USE:

158200 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 North Side Canal
Company.

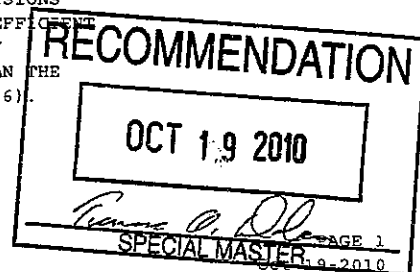
The rights listed below are limited to the irrigation of a
combined total of 158,200 acres in a single irrigation season.
Combined Right Nos.: 1-5, 1-16, 1-210, 1-212, 1-213, 1-10488 and
37-507.

Place of use does not include federal public lands.

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

This right is based upon an enlargement of Right Nos. 1-5, 1-16,
1-210, 1-212 and 1-213 pursuant to Section 42-1426, Idaho Code.

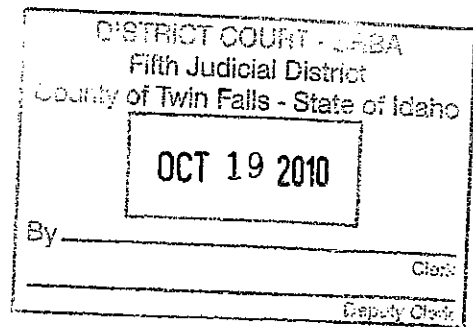
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).



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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

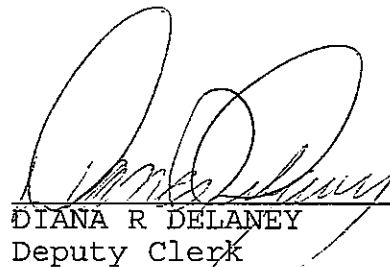
Water Right(s): 01-10488

On October 19, 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.

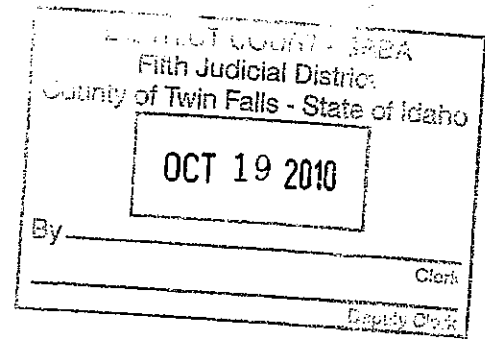
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 October 19, 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): 01-10488

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 October 19, 2010, with sufficient first-class postage prepaid to the following:

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

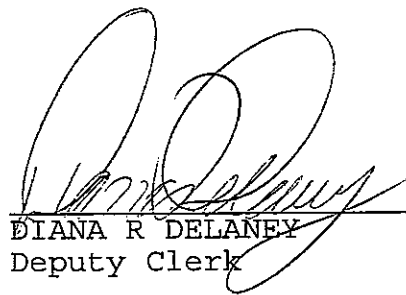
MAGIC VALLEY GROUND WATER
NORTH SNAKE GROUND WATER
Represented by:
CANDICE M MC HUGH
101 S CAPITOL BLVD, STE 208
BOISE, ID 83702
Phone: 208-395-0011

BLACKFOOT IRRIGATION CO
FREMONT MADISON IRRIGATION
UNITED CANAL CO

Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

NORTH SIDE CANAL CO
NORTH SIDE CANAL CO LTD
Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700



DIANA R DELANEY
Deputy Clerk