

RECEIVED
DEC 28 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 27 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	)	Subcases 01-139 and 01-140
	)	(Bannock Jim Slough Canal Co.)
Case No. 39576	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

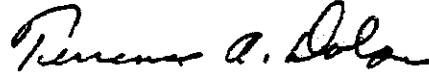
On November 19, 2009, former-SRBA Presiding Judge John M. Melanson entered a *Final Order Disallowing Water Right Claims* in a large batch, including 01-139 and 01-140. On November 29, 2009, Bannock Jim Slough, then an unorganized group of water users, filed a *Motion to Set Aside Final Order Disallowing Water Right Claims* in both subcases based on the grounds of mistake, inadvertence and excusable neglect and the matter was referred to the Special Master.

The Special Master entered a *Report and Recommendation* recommending the *Final Order* be set aside as to these two claims and the claims be further investigated by IDWR. SRBA Judge Eric J. Wildman entered an *Order Setting Aside* on February 9, 2010, and on October 14, 2010, IDWR filed its *Amended Director's Reports* recommending the claims for 12 cfs and 3.2 cfs from the Snake River to irrigate 494 acres in Madison County from April 1 to October 31 with priority dates of June 1, 1889, and May 1, 1905, based on a decree. No one objected to the *Amended Director's Reports*.

Conclusions of Law

The Bannock Jim Slough Canal Company is entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 01-139 and 01-140*.

DATED December 27, 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 01-00139

NAME AND ADDRESS: BANNOCK JIM SLOUGH CANAL CO
C/O TIM MC GARRY
6505 W 3800 S
REXBURG, ID 83440

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 12.00 CFS

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION: T05N R39E S35 SENW Within Madison County

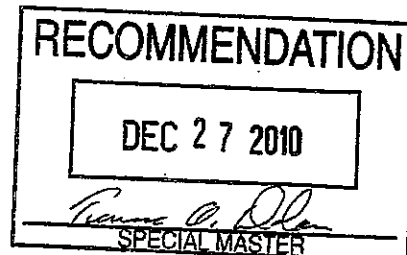
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	12.00 CFS

PLACE OF USE:

494 ACRES TOTAL
The boundary encompassing the irrigation 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 does not include federal public lands. Place of use is within the area served by Bannock Jim Slough Canal Company.
The rights listed below are limited to the irrigation of a combined total of 494 acres in a single irrigation season. Combined Right Nos.: 1-139, 1-140 and 1-10545.
This right is limited to the irrigation of 452.5 acres within the place of use described above in a single irrigation season.

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).



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 01-00140

NAME AND ADDRESS: BANNOCK JIM SLOUGH CANAL CO
C/O TIM MC GARRY
6505 W 3800 S
REXBURG, ID 83440

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.20 CFS

PRIORITY DATE: 05/01/1905

POINT OF DIVERSION: T05N R39E S35 SENW Within Madison County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.20 CFS

PLACE OF USE:

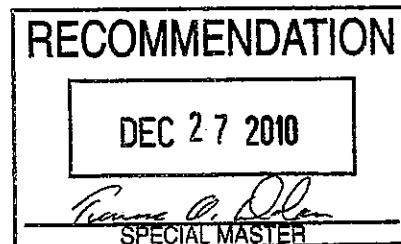
494 ACRES TOTAL

The boundary encompassing the irrigation 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 does not include federal public lands. Place of use is within the area served by Bannock Jim Slough Canal Company.

The rights listed below are limited to the irrigation of a combined total of 494 acres in a single irrigation season. Combined Right Nos.: 1-139, 1-140 and 1-10545. This right is limited to the irrigation of 152.33 acres within the place of use described above in a single irrigation season.

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).





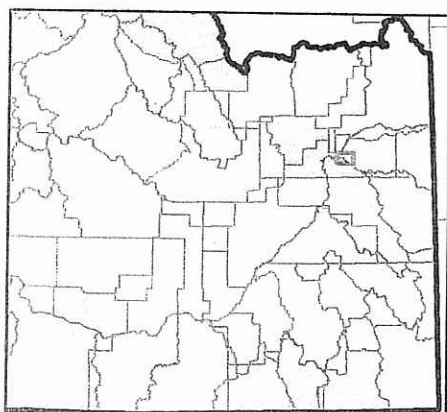
Bannock Jim Slough Canal Co

Adjudication Recommendations: 1-139, 1-140, 1-10545

Irrigation Service Area Boundary
GIS Place of Use Illustration

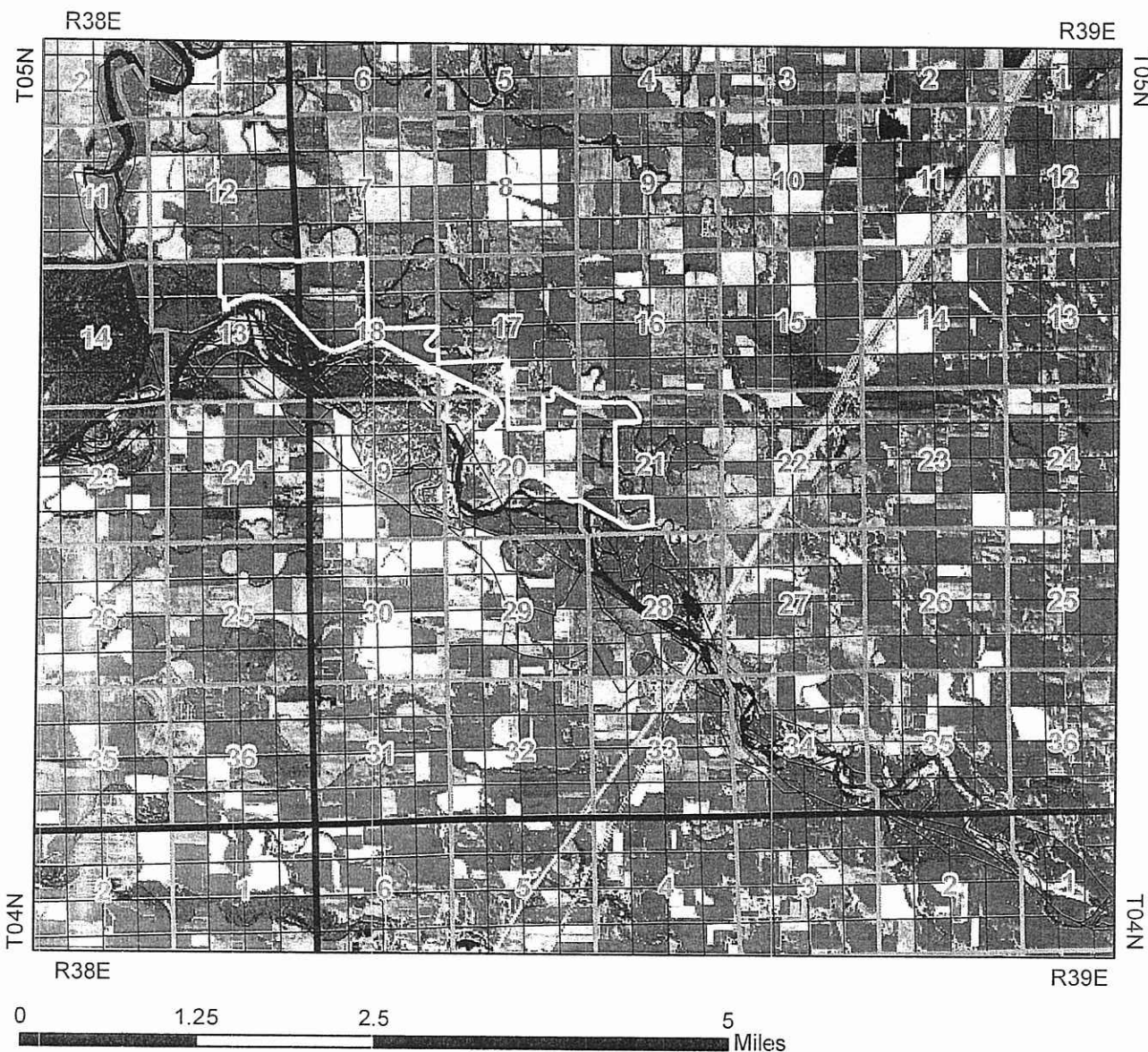
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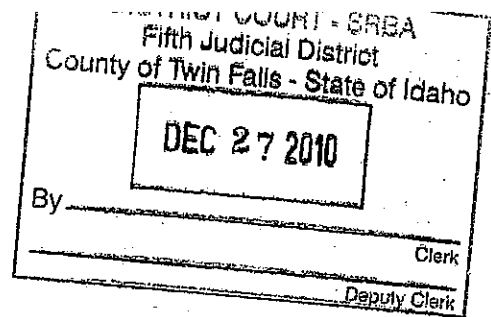
-  Service Area
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Madison County
IDWR Basin 1

Prepared by Favreau, Danielle
On October 06, 2010
1987/88 Aerial Photography





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

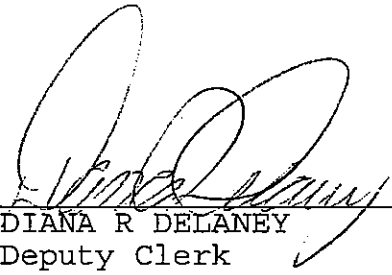
Water Right(s): 01-00139
01-00140

On December 27, 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 December 27, 2010.



DIANA R DELANEY
Deputy Clerk

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

DEC 27 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): 01-00139
01-00140

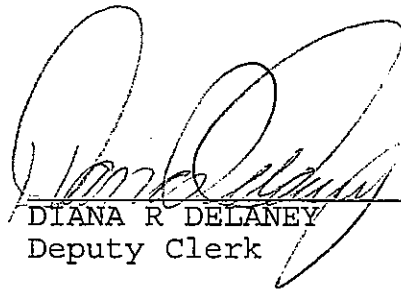
CERTIFICATE OF MAILING

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 December 27, 2010, with sufficient first-class postage prepaid to the following:

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

BANNOCK JIM SLOUGH CANAL CO

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



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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12/27/10

