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JAN 23 2012  
DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |              |
|-------------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| JAN 20 2012                                                                               |              |
| 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 35-2543 and 35-4246     |
|                | ) | (Aberdeen-Springfield Canal Co.) |
| Case No. 39576 | ) |                                  |
|                | ) | SPECIAL MASTER REPORT            |
| _____          | ) |                                  |

**Findings of Fact**

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other Uses, Reporting Area 5, Part III, Volume Three (IDWR Basin 35)* on June 23, 1999. The Director recommended the two claims to the Aberdeen-Springfield Canal Company, P.O. Box 857, Aberdeen, Idaho, 83210, for 6 cfs and 2.44 cfs from groundwater to irrigate 600 acres and 244 acres within a 37, 798 acre place of use within Aberdeen-Springfield's boundary in Bingham County from April 1 to October 31 with priority dates of August 7, 1958, and October 15, 1934, based on licenses.

Aberdeen-Springfield filed *Objections* on August 6, 1999, objecting to source, priority date, place of use, other matters and alleging the water right should not exist "because should be part of the project water rights with the Snake River as the source."<sup>1</sup> The United States of America, Department of Interior, Bureau of Land Management, filed an *Objection* on August 20, 1999, objecting to quantity and place of use. On July 10, 2001, 83 additional "interested parties" were joined.

Aberdeen-Springfield was granted leave to amend its claims on June 21, 2007, "to more accurately [identify] the place of use resulting in a larger number of acres than originally claimed." IDWR filed its *Amended Director's Report, Subcase Nos. 01-23B, 01-297, 35-2543*

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<sup>1</sup> Aberdeen-Springfield amended its *Objections* on July 16, 2001.

and 35-4246 recommending the above two claims for 6 cfs and 2.44 cfs to irrigate 61,772.6 acres within the area served by the Aberdeen-Springfield Canal Company.

The Surface Water Coalition filed an *Objection* on April 28, 2008, objecting to place of use and remarks. American Falls Reservoir District #2 filed its *Objection* the same date with the same objections. The State of Idaho was granted leave to file a late *Response* on July 16, 2008. Aberdeen-Springfield and the United States filed a *Stipulation to Resolve Objections* on April 30, 2009.

On June 11, 2009, the Special Master entered an ***Order Partially Granting Aberdeen-Springfield's Motion for Summary Judgment and Denying Surface Water Coalition's Motion for Summary Judgment and Motion to Strike Affidavits*** in the above subcases. In the *Order*, the Special Master concluded that 1) recharge for irrigation was recognized as a beneficial use of water before enactment of its groundwater recharge statute in 1978, and 2) a portion of ASCC's diversion from the Snake River decreed "for irrigation and other purposes" in water right 01-23B was lawfully changed to "recharge for irrigation" with a priority date of February 6, 1895. The Surface Water Coalition's *Motion for Reconsideration* was denied on January 8, 2010.

On July 21, 2009, the parties, with IDWR's concurrence, filed a *Stipulation to Resolve Objection*. On August 31, 2010, the Special Master entered an ***Order Denying Motion to Alter or Amend***.

On April 4, 2011, SRBA Presiding Judge entered his ***Memorandum Decision and Order on Challenge*** recommitting the matters to the Special Master "for additional evidence and findings on basis of recharge." Finally, on November 14, 2011, the parties, with IDWR's concurrence, filed *Standard Forms 5*.

### **Conclusions of Law**

Aberdeen-Springfield Canal Company is entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached ***Special Master Recommendations for Partial Decrees for Water Rights 35-2543 and 35-4246***.

DATED January 20, 2012.



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 35-02543

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO  
PO BOX 857  
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 6.00 CFS  
2547.00 AFY

PRIORITY DATE: 08/07/1958

POINT OF DIVERSION: T05S R31E S11 NWNESW Within Bingham County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY                |
|-------------------------------|----------------|----------------|-------------------------|
|                               | Irrigation     | 04-01 TO 10-31 | 6.00 CFS<br>2547.00 AFY |

PLACE OF USE:

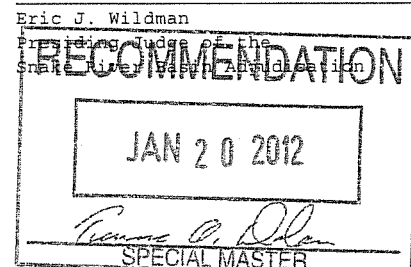
61772.6 ACRES TOTAL  
The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are 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 Aberdeen-Springfield Canal Company.  
The rights listed below are limited to the irrigation of a combined total of 61,772.6 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246.

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.



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 35-04246

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO  
PO BOX 857  
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 2.44 CFS  
155.00 AFY

PRIORITY DATE: 10/15/1934

POINT OF DIVERSION: T06S R31E S04 SWNW Within Bingham County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 04-01 TO 10-31 | 2.44 CFS<br>155.00 AFY |

PLACE OF USE:

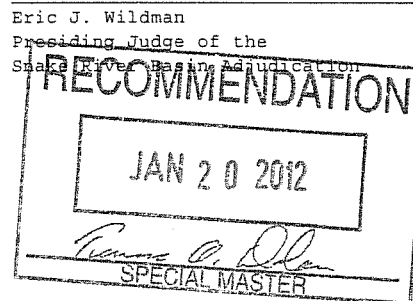
61772.6 ACRES TOTAL  
The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are 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 Aberdeen-Springfield Canal Company.  
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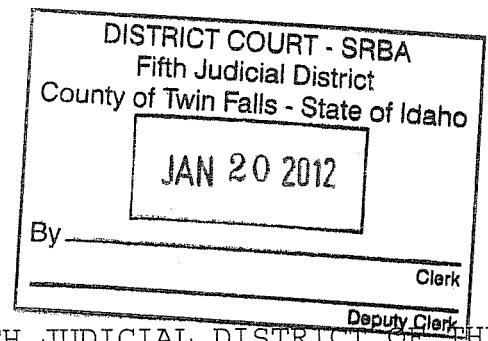
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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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

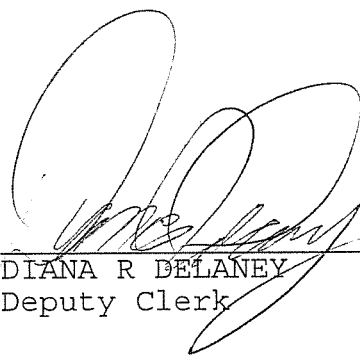
Water Right(s) : 35-02543  
35-04246

On January 20, 2012, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 January 20, 2012.

  
\_\_\_\_\_  
DIANA R DELANEY  
Deputy Clerk

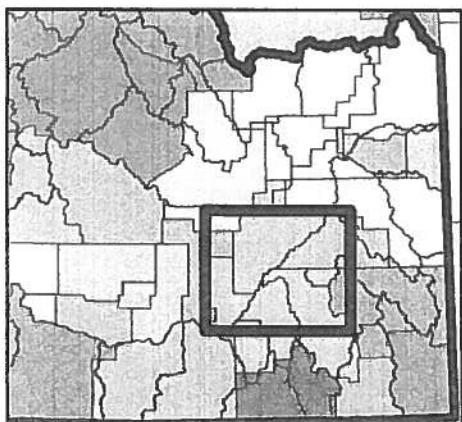


# Aberdeen-Springfield Canal Co

Adjudication Recommendations: 1-23B, 1-297, 35-2543, 35-4246

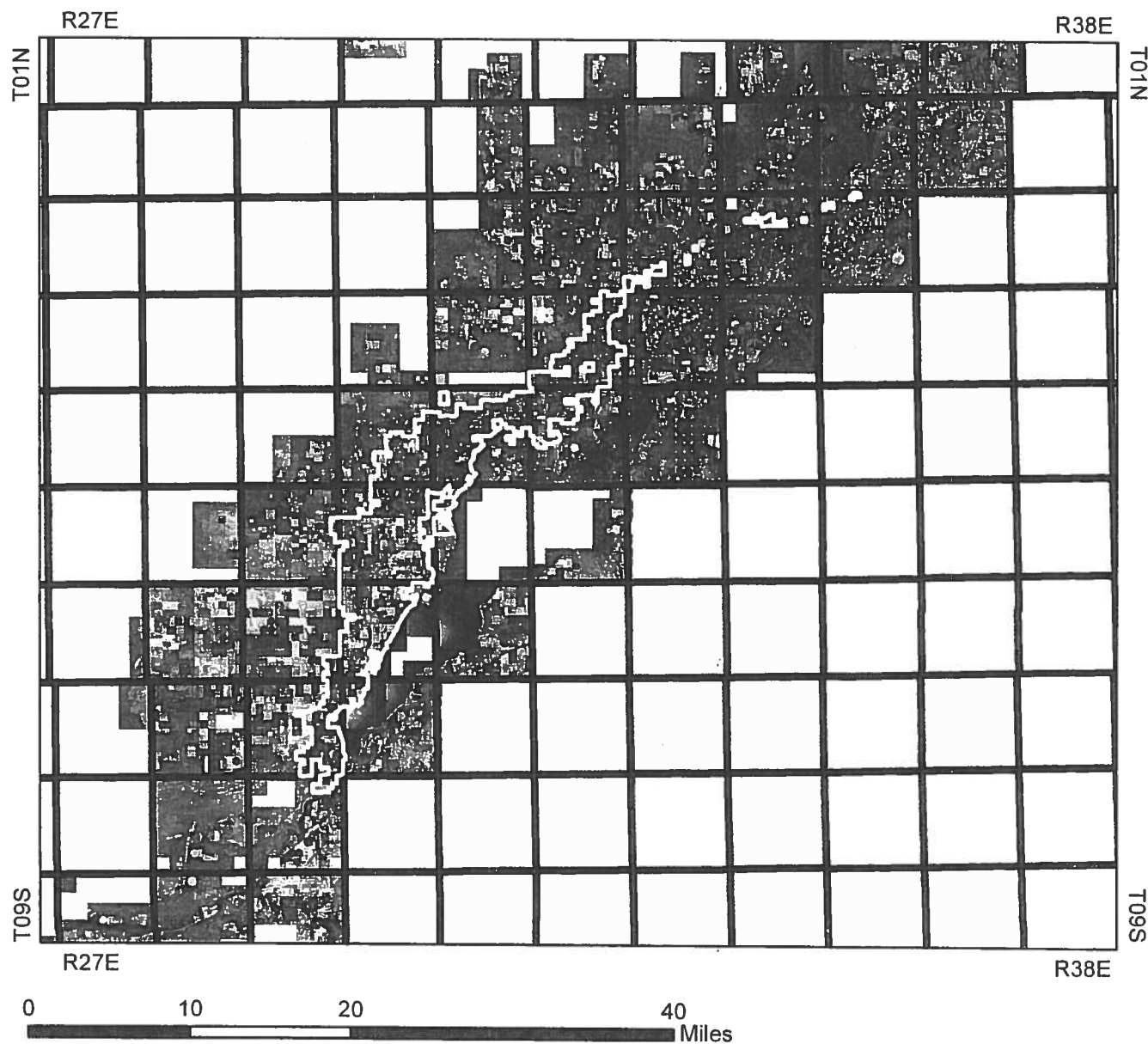
Irrigation Service Area Boundary  
GIS Place of Use Illustration

- Service Area
- State Outline
- Townships



**Bingham, Power Counties  
IDWR Basin 1**

- Prepared by Favreau, Danielle
- On January 18, 2012
- 1987/88 Aerial Photography





|                                                                                                |       |
|------------------------------------------------------------------------------------------------|-------|
| DISTRICT COURT - SRBA                                                                          |       |
| Fifth Judicial District                                                                        |       |
| County of Twin Falls - State of Idaho                                                          |       |
| <div style="border: 1px solid black; padding: 5px; display: inline-block;"> JAN 20 2012 </div> |       |
| 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): 35-02543  
35-04246

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 January 20, 2012, with sufficient first-class postage prepaid to the following:

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

AMERICAN FALLS RESERVOIR

Represented by:  
C THOMAS ARKOOSH  
CAPITOL LAW GROUP, PLLC  
301 MAIN ST  
PO BOX 32  
GOODING, ID 83330  
Phone: 208-934-8872

CERTIFICATE OF MAILING

PAGE 1  
01/20/12

AMERICAN FALLS RESERVOIR

Represented by:  
CRAIG D. HOBDEY  
125 5TH AVE  
PO BOX 176  
GOODING, ID 83330  
Phone: 208-934-4429

STATE OF IDAHO

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

ABERDEEN-SPRINGFIELD CANAL CO

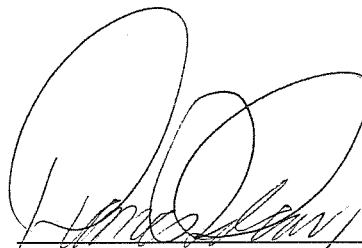
Represented by:  
RANDALL C BUDGE  
201 E CENTER, STE A2  
PO BOX 1391  
POCATELLO, ID 83204-1391  
Phone: 208-232-6101

A & B IRRIGATION DISTRICT  
BURLEY IRRIGATION DISTRICT  
MILNER IRRIGATION DISTRICT  
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

UNITED STATES OF AMERICA

Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724



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DIANA R DELANEY  
Deputy Clerk