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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB - 7 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	)	Subcase 01-8
	)	(Minidoka Irrigation District)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

On December 11, 2009, the Special Master entered an *Order on Motions for Summary Judgment* in 37 subcases, including subcase 01-8. After hearing oral argument on 9 separate motions for summary judgment filed in 11 different groups of subcases on two key issues (source and priority date) resulting from the 1968 *Supplemental Eagle Decree*, the Special Master ordered the following:

1. The source of water for all rights listed in the *Supplemental Eagle Decree* is the Snake River not limited by classification as flood or high flow;
2. The priority dates decreed in the *Eagle Decree* are valid;
3. Flood water rights are not subordinated to junior hydraulically connected water rights;
4. The season of use for flood water rights should be IDWR's standard season of use; and
5. Remarks that *may* be added to the flood water rights are that the waters a) are supplemental, b) to be used for production of agricultural crops and associated domestic uses upon certain described lands, and c) are non-transferrable [emphasis added].

Order, at 19.

On February 17, 2011, the City of Pocatello was granted leave to withdraw its *Objection* in subcase 01-8. SRBA Presiding Judge Eric J. Wildman granted permissive review of the December 11, 2009 Special Master *Order* and on June 11, 2011, entered his *Memorandum Decision and Order on Permissive Review*. The Judge affirmed all the rulings of the special

Master except the Special Master's determination to deny the Ground Water District's "*Priority Date Motion* with respect to water right claim 01-14." ***Memorandum Decision***, at 18. That issue was recommitted to the Special Master.

On October 11, 19 and 24, 2011, Mud Lake Water Users, Ground Water Districts, Fremont Madison Irrigation District, Blackfoot Irrigation Company and United Canal Company filed notices of withdrawal of their objections to water right 01-8. The Carey-Valley Ground Water District was dismissed as a party on December 23, 2011. Finally, on January 27, 2012, the Minidoka Irrigation District and the remaining parties, with IDWR's concurrence, filed a *Standard Form 5*.

Conclusion of Law

The Minidoka Irrigation District 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 01-8***.

DATED February 7, 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 01-00008

NAME AND ADDRESS: MINIDOKA IRRIGATION DISTRICT
98 W 50 S
RUPERT, ID 83350

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 266.60 CFS

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION: T09S R25E S01 LOT 3 (NENESW) Within Minidoka County
SWSESW Within Cassia County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	266.60 CFS

PLACE OF USE:

75093 ACRES TOTAL
Use of the rights listed below is limited to the irrigation of a combined total of 75,093 acres in a single irrigation season. Combined Right Nos.: 1-8, 1-211A, and 1-214A. Place of use is within the boundary of Minidoka Irrigation District pursuant to Section 43-323, Idaho Code. 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.

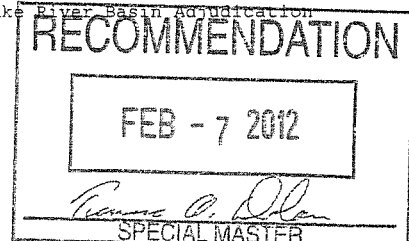
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication





Minidoka Irrigation Dist

Adjudication Recommendations: 1-8

Irrigation Service Area Boundary
GIS Place of Use Illustration

Legend

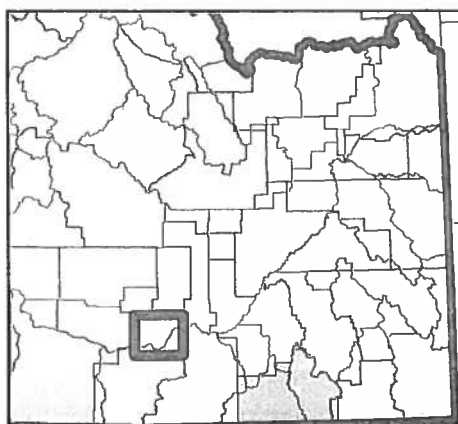
Service Area



Townships

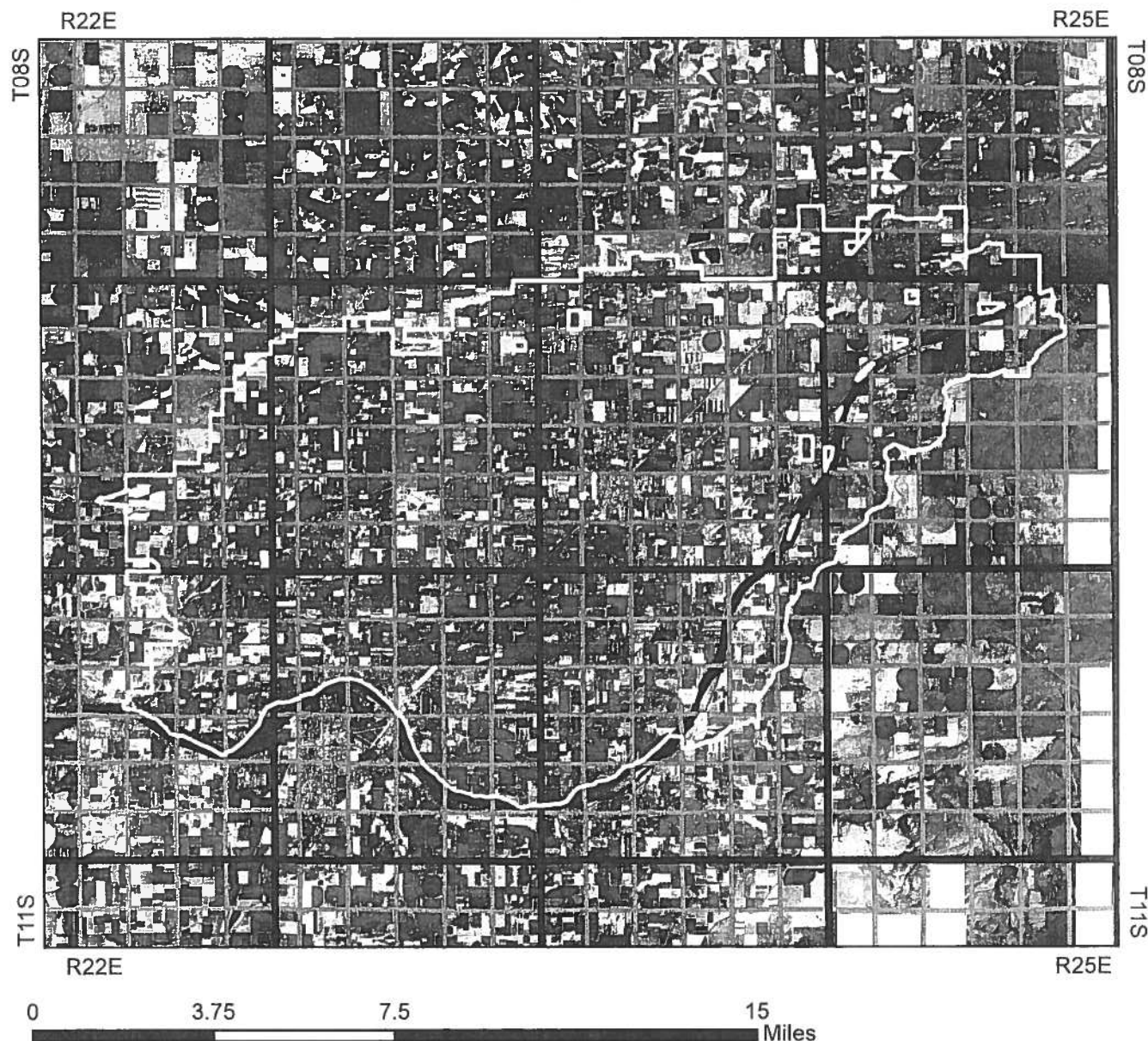


PLS Sections



Minidoka, Cassia Counties
IDWR Basin 1

Prepared by Favreau, Danielle
On October 25, 2011
1987/88 Aerial Photography



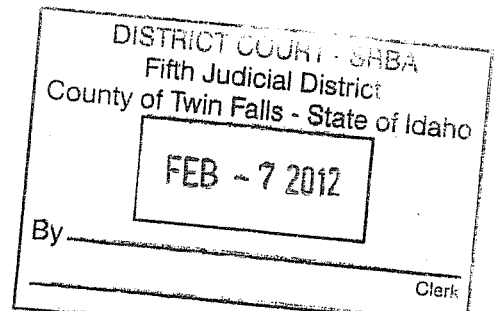
DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 27 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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

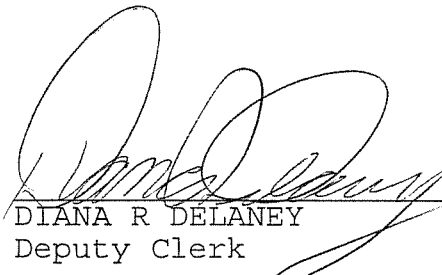
Water Right(s): 01-00008

On February 07, 2012, 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.

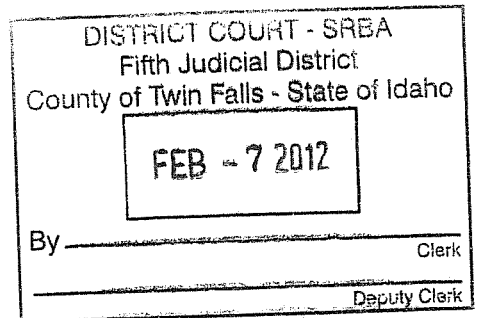
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 February 07, 2012.



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) : 01-00008

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 February 07, 2012, with sufficient first-class postage prepaid to the following:

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

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

UNITED STATES OF AMERICA
USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

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02/07/12

MINIDOKA IRRIGATION DISTRICT

Represented by:

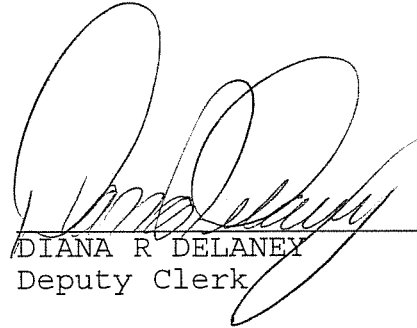
W KENT FLETCHER

1200 OVERLAND AVE

PO BOX 248

BURLEY, ID 83318

Phone: 208-678-3250



DIANA R DELANEY

Deputy Clerk