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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB - 8 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 01-2060
	)	(USDI/BOR)
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 01-2060. 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.

SRBA Presiding Judge Eric J. Wildman granted permissive review of the December 11, 2009 Special Master *Order* and on June 21, 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

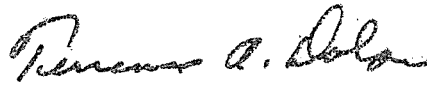
respect to water right claim 01-14." *Memorandum Decision*, at 18. That issue was recommitted to the Special Master.

Finally, on January 25, 2012, the United States of America, Department of Interior, Bureau of Reclamation and the remaining parties, with IDWR's concurrence, filed a *Standard Form 5*.

Conclusion of Law

The USDI/BOR 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 01-2060*.

DATED February 8, 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 01-02060

NAME AND ADDRESS: UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN CODE-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 270.00 CFS
54600.00 AFY

Right Nos. 1-14 and 1-2060 are limited to a total combined
diversion rate of 267 cfs.

PRIORITY DATE: 11/21/1955

POINT OF DIVERSION: T10S R21E S24 LOT 2 (SWSW) Within Jerome County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	240.00 CFS 54600.00 AFY

PLACE OF USE:

82610.1 ACRES TOTAL

The boudary 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 boundary of A&B Irrigation District pursuant to Section 43-323, Idaho Code.

The 14,637 acres under this right lie within the Unit A North Side Pumping Division Minidoka Project of the A&B Irrigation District.

Right Nos. 1-14 and 1-2060 are limited to the irrigation of a combined total of 14,637 acres in a single irrigation season. Place of use does not include federal public lands unless authorized in writing by the United States Bureau of Land Management or Bureau of Reclamation.

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

The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho constitutional and statutory law, title to the use of the water is held by the consumers or users of the water. The A&B Irrigation District acts on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contract between the Bureau of Reclamation and the A&B Irrigation District for the benefit of the landowners entitled to receive distribution of this water from the A&B Irrigation District. The interest of the

OTHER PROVISIONS (continued)

consumers or users of the water is appurtenant to the lands within the boundaries of the A&B Irrigation District and that interest is derived from law and is not based exclusively on the contract between the Bureau of Reclamation and the A&B Irrigation District.

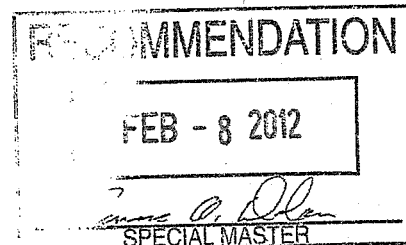
This water right must be used in conjunction with water right 1-14. This water right cannot be transferred, leased, or otherwise used without water right 1-14.

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



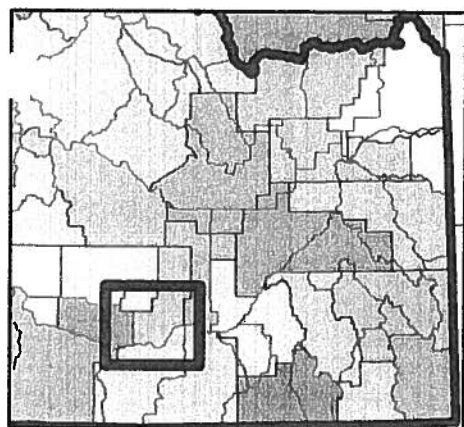


A & B Irrigation District

Adjudication Recommendations: 1-14, 1-2060, 1-10225, 1-10237, 1-10238, 1-10239, 1-10240, 1-10241

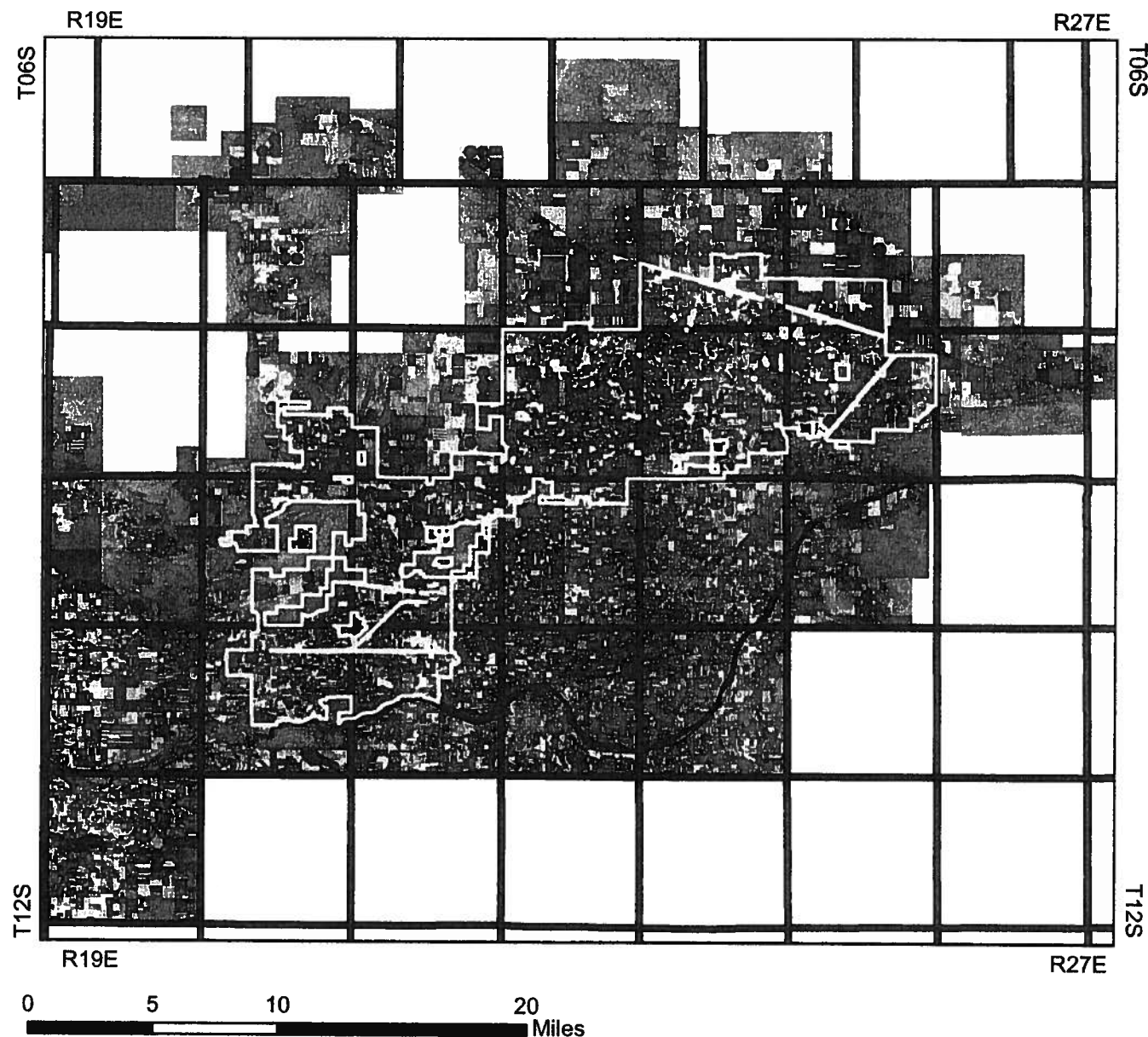
Irrigation Service Area Boundary
GIS Place of Use Illustration

- Service Area
- State Outline
- Townships



Lincoln, Minidoka, Jerome Counties
IDWR Basin 1

Prepared by Favreau, Danielle
On January 19, 2012
1987/88 Aerial Photography



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB - 8 2012	
By _____	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

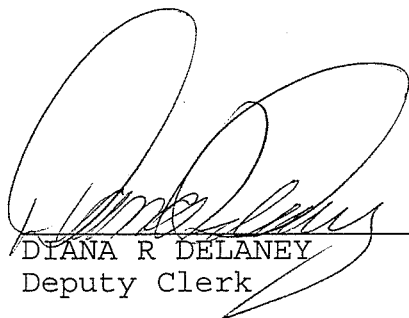
Water Right(s): 01-02060

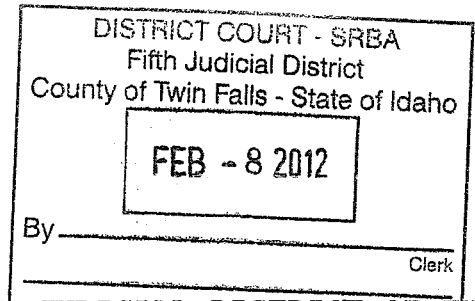
On February 08, 2012, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 08, 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): 01-02060

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 08, 2012, with sufficient first-class postage prepaid to the following:

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

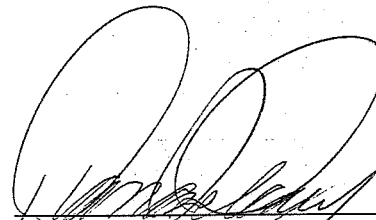
A & B IRRIGATION DISTRICT
Represented by:
ROGER D LING
615 H ST
PO BOX 396
RUPERT, ID 83350-0396
Phone: 208-436-4717

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

PAGE 1
02/08/12

UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN CODE-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234
Phone: 208-378-5322



DIANA R DELANEY
Deputy Clerk