

RECEIVED

FEB 10 2012

DEPARTMENT OF  
WATER RESOURCES

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT - SRBA                 |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| FEB - 9 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 01-10237            |
|                | ) | (A & B 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 01-10237. 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 01-10237. 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.

On October 11 and 24, 2011, the Mud Lake Water Users, Fremont Madison Irrigation District, Blackfoot Irrigation Company and United Canal Company filed their *Notices of Withdrawal of Objection*. The Ground Water Districts filed their *Notice of Withdrawal of Objection* on November 16, 2011, and the Carey-Valley Ground Water District was dismissed as a party on December 23, 2011. Finally, on January 27, 2012, A & B Irrigation District and the remaining parties, with IDWR's concurrence, filed a *Standard Form 5*.

#### **Conclusion of Law**

The A & B 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 01-10237***.

DATED February 9, 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 01-10237

NAME AND ADDRESS: A & B IRRIGATION DISTRICT  
PO BOX 675  
RUPERT, ID 83350-0675

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.19 CFS

PRIORITY DATE: 07/11/1968

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

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.19 CFS |

PLACE OF USE:

82610.1 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 boundary of A & B Irrigation District pursuant to Section 43-323, Idaho Code. This right is limited to the irrigation of 9.7 acres within the place of use described above 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:

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

FEB - 9 2012

*Thomas A. Olson*  
SPECIAL MASTER

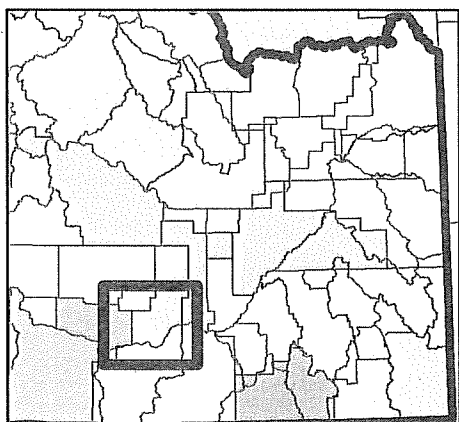


# A & B Irrigation District

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

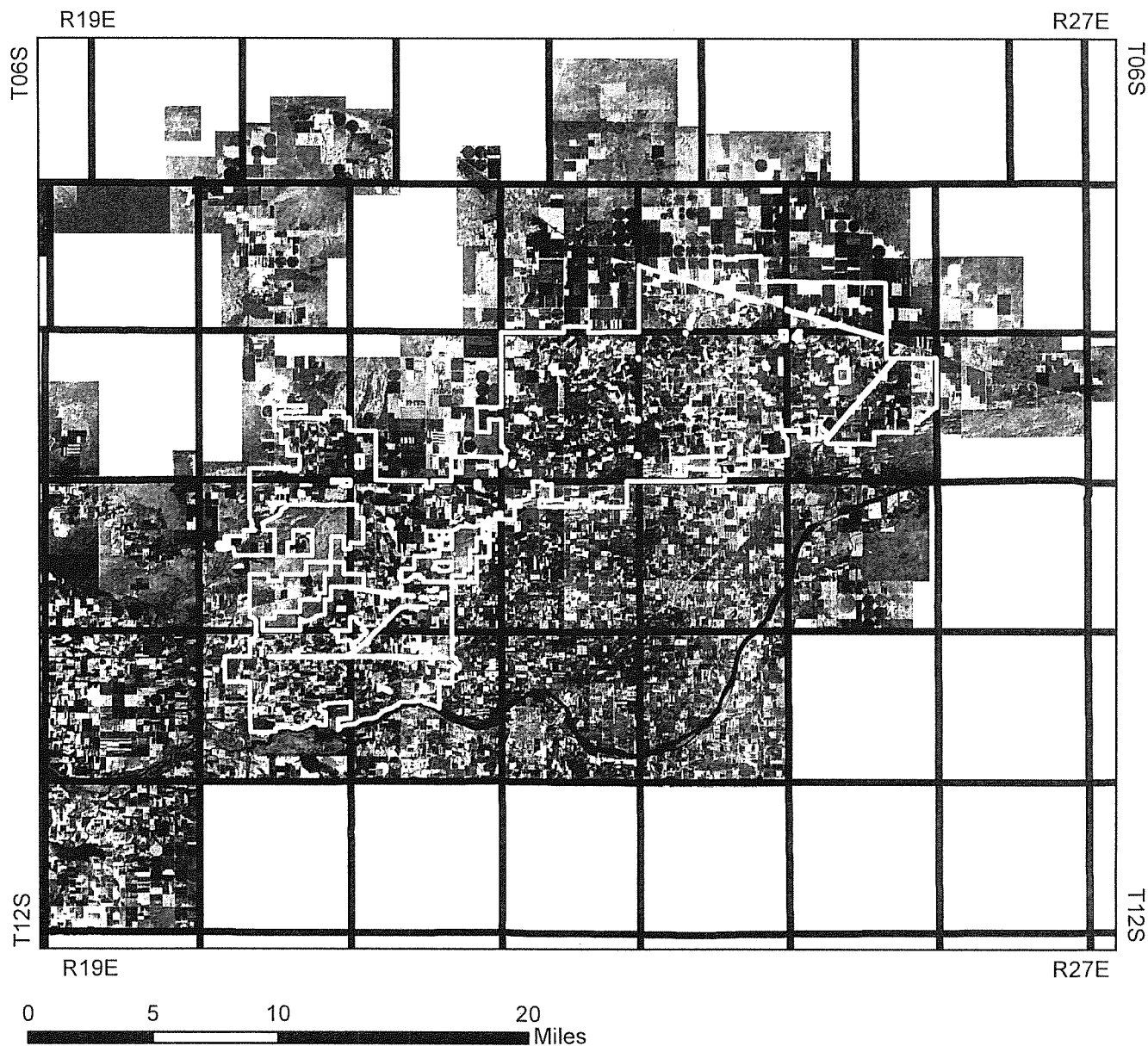
Irrigation Service Area Boundary  
GIS Place of Use Illustration

- 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

JAN 27 2012

By \_\_\_\_\_

Clerk

Deputy Clerk

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT - SRBA                 |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| FEB - 9 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

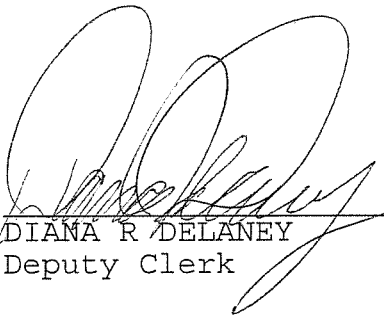
Water Right(s): 01-10237

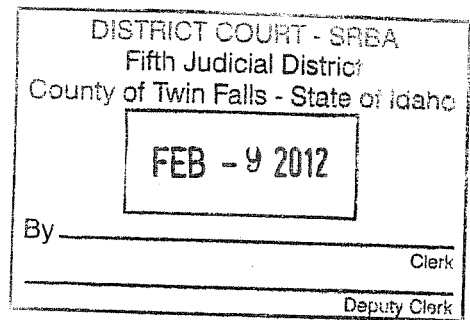
On February 09, 2012, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 09, 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): 01-10237

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 09, 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:  
JOHN K SIMPSON  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

STATE OF IDAHO

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

CERTIFICATE OF MAILING

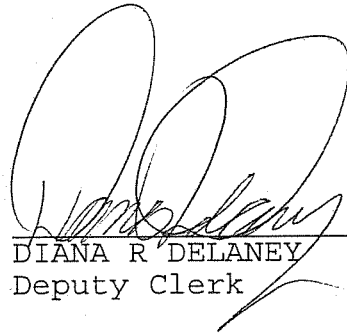
PAGE 1  
02/09/12

A & B IRRIGATION DISTRICT  
Represented by:  
PAUL L ARRINGTON  
113 MAIN AVE W, STE 303  
PO BOX 485  
TWIN FALLS, ID 83303-0485  
Phone: 208-733-0700

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

A & B IRRIGATION DISTRICT  
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  
USDI BUREAU OF RECLAMATION  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724



---

DIANA R DELANEY  
Deputy Clerk