

RECEIVED
FEB 14 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 13 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 35-38F, et al.
	)	(see attached list of 84 subcases)
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 2 (IDWR Basin 35)* on September 15, 1998. The Director recommended the above claims for between .06 cfs and 5.07 cfs from groundwater and one creek for stockwater use and to irrigate between 9 acres and 339 acres in Bingham and Power Counties with priority dates between April 30, 1885, and April 1, 1987, based on licenses, decrees or beneficial use.

The Twin Falls and North Side Canal Companies filed *Objections* on November 20, 1998, objecting to source, quantity and other provisions and alleging the water right should not exist. On August 30, 1999, the subcase was consolidated with other Basin 35 subcases involving Twin Falls and North Side Canal Company *Objections*.

On August 27, 2001, the Twin Falls and North Side Canal Company *Objections* were dismissed and the Aberdeen-Springfield Canal Company was granted leave to file a late *Objection* on October 23, 2001. On January 17, 2012, the Aberdeen-Springfield Canal Company filed its *Notice of Withdrawal of Objections*.

Conclusions of Law

The claimants are 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*.

DATED February 13, 2012.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

35-38F ET AL

Subcase Nos:

35-00038F	35-07494
35-02049	35-07507
35-02072	35-07519
35-02073	35-07530
35-02100	35-07592
35-02116	35-07618
35-02154	35-07621
35-02167B	35-07627
35-02167D	35-07643A
35-02167E	35-07647
35-02167F	35-07680
35-02226	35-07696
35-02271	35-07722
35-02298	35-07729
35-02308A	35-07732
35-02339	35-07737
35-02370	35-07756
35-02387A	35-07760
35-02406	35-07762
35-02498	35-07790
35-02504A	35-07820
35-02525	35-07890
35-02647A	35-07903A
35-02712	35-07903B
35-02824	35-07945
35-02917A	35-07948
35-02917B	35-08054
35-04034A	35-08602
35-04034B	35-10318
35-04039	35-10653
35-04093	35-10843
35-04095	35-12088
35-04113	35-12248
35-04164	35-13073
35-04183	
35-04221	
35-07012B	
35-07022	
35-07102	
35-07145	
35-07146	
35-07164A	
35-07191	
35-07231	
35-07267A	
35-07267B	
35-07393	
35-07450	
35-07453A	
35-07453B	

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 35-12088

NAME AND ADDRESS: BERNETA FELD
O E FELD
1470 S 2750 W
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 0.094 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-07102 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.17 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 462 AF.

PRIORITY DATE: 07/17/1975

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T05S R31E S16 NESWSW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.094 CFS

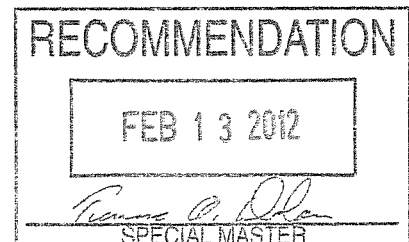
PLACE OF USE:	Irrigation	Within Bingham County
	T05S R31E S16	NESW 36.5 NWSW 40.0 SWSW 39.0
	115.5 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 35-07102 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 115.5 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 35-07102
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-07102

NAME AND ADDRESS: BERNETA FELD
O E FELD
1470 S 2750 W
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 2.17 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-12088 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.17 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 462 AF.

PRIORITY DATE: 10/21/1969

POINT OF DIVERSION: T05S R31E S16 NESWSW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.17 CFS

PLACE OF USE:	Irrigation	Within Bingham County
	T05S R31E S16	NESW 36.5 NWSW 40.0 SWSW 39.0
	115.5 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 110.5 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 35-12088 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 115.5 ACRES IN A SINGLE
IRRIGATION SEASON.

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

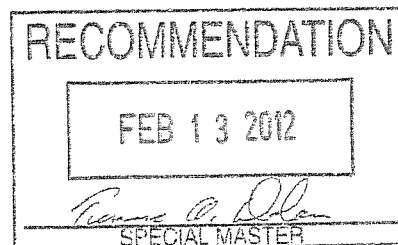
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 35-07102 File Number: 01599



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DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 13 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

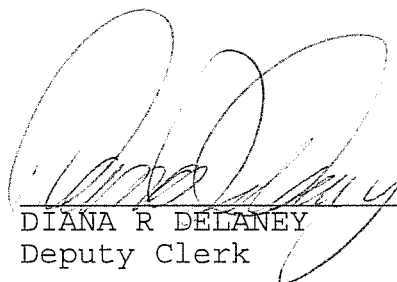
Water Right(s): 35-07102
35-12088

On February 13, 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.

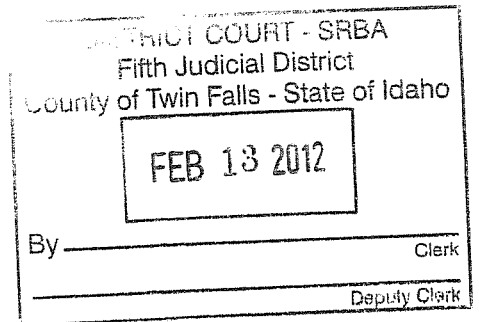
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 13, 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

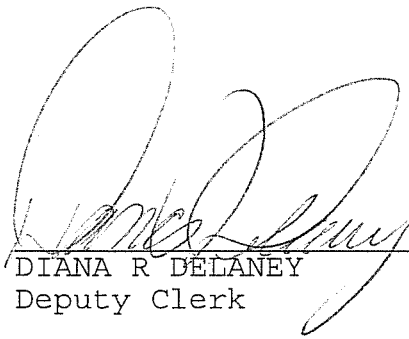
Water Right(s): 35-07102
35-12088

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 13, 2012, with sufficient first-class postage prepaid to the following:

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

BERNETA FELD
O E FELD
1470 S 2750 W
ABERDEEN, ID 83210
Phone: 208-397-4282



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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02/13/12