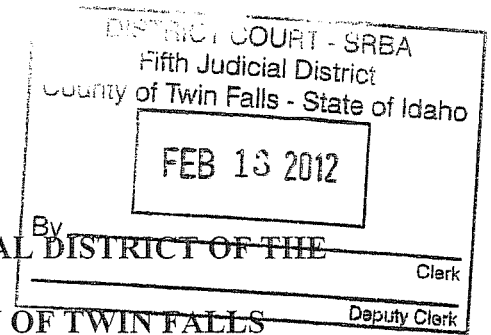




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

) Subcase 35-38F, et al.
) (see attached list of 84 subcases)
)
) SPECIAL MASTER REPORT

RECEIVED
FEB 14 2012
DEPARTMENT OF
WATER RESOURCES

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

(Subcase list: B35PD)
2/10/12

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 35-02116

NAME AND ADDRESS: BEHREND FARMS INC
PO BOX 92
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 2.80 CFS
560.00 AFY

PRIORITY DATE: 12/01/1948

POINT OF DIVERSION: T06S R31E S09 NENENW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.80 CFS
			560.00 AFY

PLACE OF USE:	Irrigation		Within Bingham County
	T06S R31E S09	NWNE 36.0	SWNE 35.0
		NENW 33.0	SENE 36.0
	140.0 Acres Total		

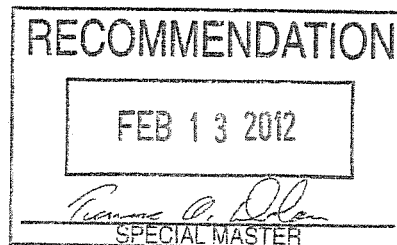
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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

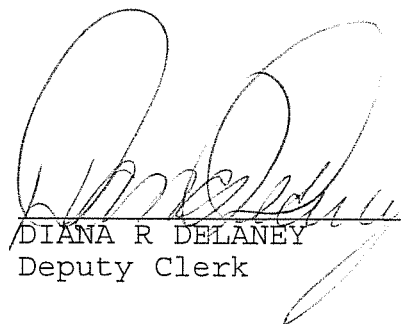
Water Right(s): 35-02116

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.

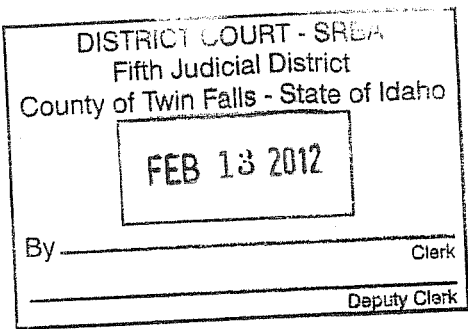
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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

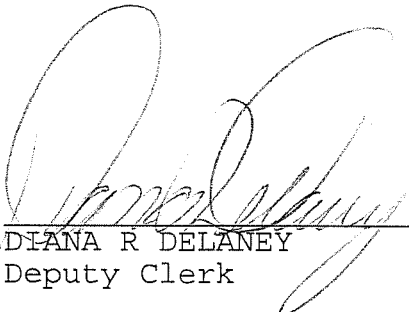
Water Right(s): 35-02116

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

BEHREND FARMS INC
PO BOX 92
ABERDEEN, ID 83210
Phone: 208-397-4047



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
02/13/12