

RECEIVED

FEB 16 2012

DEPARTMENT OF
WATER RESOURCES

35-131

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

SCANNED
FEB 16 2012

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 35-07737

NAME AND ADDRESS: SHERMAN N SMITH
VESTA SMITH
2321 W 1400 S
STERLING, ID 83279

SOURCE: GROUNDWATER

QUANTITY: 3.05 CFS
720.00 AFY

PRIORITY DATE: 08/02/1977

POINT OF DIVERSION: T05S R32E S07 NENWSE Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.05 CFS
			720.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T05S R32E S07	SWNE 33.0 SENE 38.0 NESE 34.0 SESE 38.0
		180.0 Acres Total

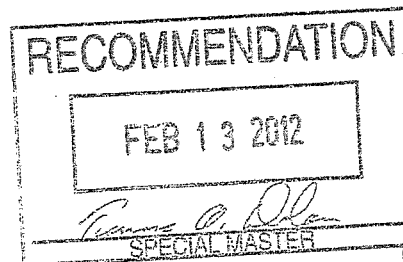
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



SCANNED
FEB 16 2012

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 35-07507

NAME AND ADDRESS: SHERMAN N SMITH
VESTA SMITH
2321 W 1400 S
STERLING, ID 83279

SOURCE: GROUNDWATER

QUANTITY: 3.60 CFS
744.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-04240 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.60 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 744 AF.

PRIORITY DATE: 05/19/1975

POINT OF DIVERSION: T05S R32E S18 NENESE Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.60 CFS
			744.00 AFY

PLACE OF USE:	Irrigation		Within Bingham County
	T05S R32E S17	NWNW 1.0	SWNW 15.0
		NWSW 12.0	SWSW 27.0
	S18	NENE 31.0	SENE 24.0
		NESE 37.0	SESE 39.0
	186.0 Acres Total		

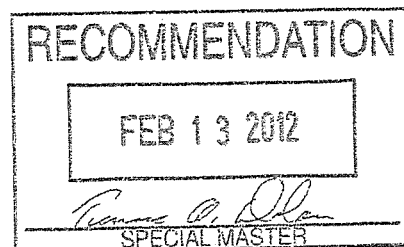
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



SCANNED
FEB 16 2012

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

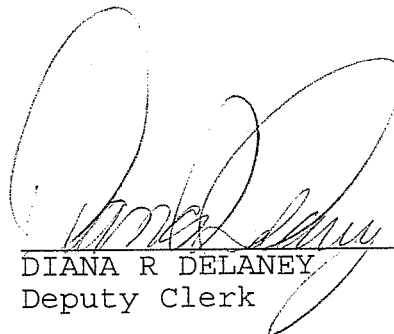
Water Right(s): 35-07507
35-07737

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

SCANNED
FEB 16 2012

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)
_____)

CERTIFICATE OF MAILING

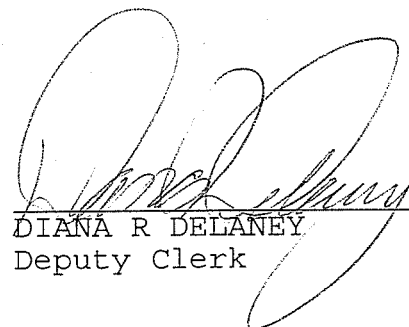
Water Right(s) : 35-07507
35-07737

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

SHERMAN N SMITH
VESTA SMITH
2321 W 1400 S
STERLING, ID 83279
Phone: 208-397-4612



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

SCANNED
PAGE 1
FEB 26 13/12