

RECEIVED
JUN 27 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - Snake River Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 25 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	) SPECIAL MASTER'S REPORT
	)
Case No. 39576	) FINDINGS OF FACT AND
	) CONCLUSIONS OF LAW
	)
	) FOR WATER RIGHTS 47-02330
	) and 47-11236

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On September 19, 2007, the claimant Seneca Foods Corporation, through its attorney Andrew J. Waldera, filed objections to the *Director's Report*. On June 8, 2012, the parties filed *Standard Forms 5 - Stipulated Elements of a Water Right* which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 47-02330 and 47-11236 be **decreed** with the elements as set forth in the attached ***Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)***.

Dated

June 25, 2012


Theodore R. Booth
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 47-02330

NAME AND ADDRESS: SENECA FOODS CORP
PO BOX 232
BUHL, ID 83316

SOURCE: GROUND WATER

QUANTITY: 1.78 CFS
264.00 AFY

The rights listed below are limited to a total combined annual
diversion volume of 264 af. Combined Right Nos.: 47-2330 and
47-11236.

PRIORITY DATE: 02/26/1960

POINT OF DIVERSION: T09S R15E S31 LOT 3 (SENWSW) Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	05-15 TO 10-30	1.78 CFS 264.00 AFY

PLACE OF USE: Industrial Within Twin Falls County
T09S R15E S31 LOT 3 (NWSW)

The industrial place of use authorized by this right includes
land in T09S, R15E, S31, Lot 3 (NWSW) where the main industrial
facility is located, and additional lands in T09S, R15E, S29,
S31, S32 and S33 upon which wastewater may be applied for
irrigation purposes to satisfy water quality requirements. Water
diverted under this approval shall not be used for irrigation
unless the water is first used in the industrial facility as
authorized by this water right.

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

RECOMMENDATION

JUN 25 2012

Eric J. Wildman
SPECIAL MASTER

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 47-11236

NAME AND ADDRESS: SENECA FOODS CORP
PO BOX 232
BUHL, ID 83316

SOURCE: GROUND WATER

QUANTITY: 0.44 CFS
160.60 AFY

The rights listed below are limited to a total combined annual
diversion volume of 264 af. Combined Right Nos.: 47-11236 and
47-2330.

PRIORITY DATE: 04/01/1944

POINT OF DIVERSION: T09S R15E S31 LOT 3 (SENWSW) Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	05-15 TO 10-30	0.44 CFS 160.60 AFY

PLACE OF USE: Industrial Within Twin Falls County
T09S R15E S31 LOT 3 (NWSW)

The industrial place of use authorized by this right includes
land in T09S, R15E, S31, Lot 3 (NWSW) where the main industrial
facility is located, and additional lands in T09S, R15E, S29,
S31, S32 and S33 upon which wastewater may be applied for
irrigation purposes to satisfy water quality requirements. Water
diverted under this approval shall not be used for irrigation
unless the water is first used in the industrial facility as
authorized by this water right.

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.

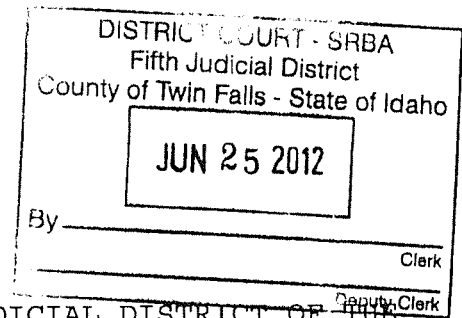
Eric J. Wildman

Presiding Judge of the
Seventh Judicial District

RECOMMENDATION

JUN 25 2012

SPECIAL MASTER



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

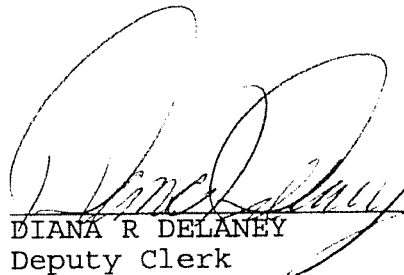
Water Right(s) : 47-02330
47-11236

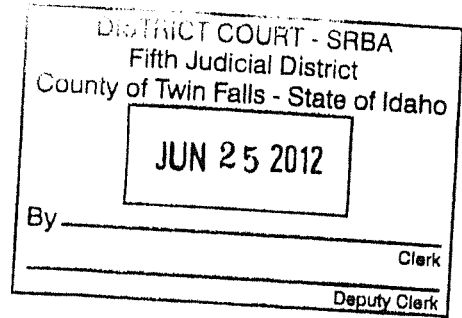
On June 25, 2012, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 June 25, 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

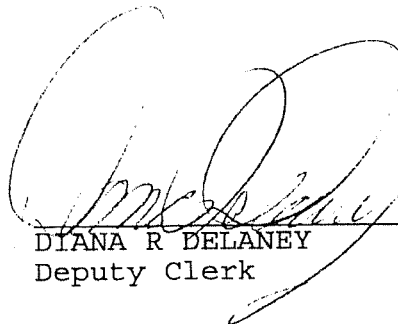
Water Right(s): 47-02330
47-11236

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 June 25, 2012, with sufficient first-class postage prepaid to the following:

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

SENECA FOODS CORP
Represented by:
ANDREW J WALDERA
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
06/25/12