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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 29 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 AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS: 21-141,
	)	21-2035, and 21-2037
_____	)	

I. FINDINGS OF FACT

A notice of claim was filed for each of these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained recommendations for the elements of these water rights.

Objections and Responses were filed by various parties. A *Motion to File Amended Notice of Claim* was filed on August 19, 2010 by multiple claimants to assert a recovered water/recharge theory (hereafter "rec/rec"). That theory and the related *Amended Claims* were later withdrawn by the claimants in consolidated subcase 00-92020.

Subsequently, IDWR reviewed its *Director's Reports* for the rec/rec subcases to insure that it had included the elements from prior decrees, licenses and transfers. These subcases were identified by IDWR as some of the 60 subcases in Round Two which needed changes due to omission of elements from prior decrees, licenses, or transfers. *Joint Order Setting Deadlines and Status Conference*. (Subcase 00-92020, January 6, 2012, Exhibit 4)

A Status Conference was held on December 7, 2011 in subcase 00-92020. At the hearing,

the parties agreed to resolve all *Objections* and *Responses* to 55 of the 60 subcases by oral *Stipulation* on the record.¹

The parties agreed that these subcases be recommended and decreed with the elements of the *Amended Director's Reports* previously sent to the parties by IDWR.

A. Digital Boundary

The place of use for each of these rights is a digital boundary and is illustrated by the map overlay attached to the *Recommendations for Partial Decree*. The digital boundary for the place of use is described on a CD-Rom filed with the court.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decrees*.

DATED: ~~May~~ ^{JUNE} 29, 2012.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

¹ The *Amended Director's Reports* for water right numbers 21-34, 21-60B, 22-673, 22-13165, and 22-13412 in Round 2 were held back due to an overlap issue. IDWR shared the proposed *Amended Directors' Reports* for these five subcases in Round 4 after the overlap issues were resolved.

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

JUN 29 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
 Case No. 39576)
 _____) Water Right 21-00141

NAME AND ADDRESS: CONANT CREEK CANAL CO
 PO BOX 344
 ASHTON, ID 83420

SOURCE: CONANT CREEK TRIBUTARY: FALL RIVER

Point of injection into and point of redirection from Fall River
 Diversion of water under this right is limited to those times
 when water is available for diversion under the priority of this
 right at the original point of diversion in T8N R44E S27 NWSW.

QUANTITY: 20.00 CFS

The redirection of water under this right from Fall River is
 limited to the lesser of the quantity available at the point of
 injection or the point of diversion in T8N R44E S27 NWSW.

PRIORITY DATE: 05/01/1901

POINT OF DIVERSION: T08N R43E S15 SESW Within Fremont County
 S18 NWNE (Injection)
 SENW (Rediversion)
 R44E S27 NWSW

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	04-01 TO 10-31	20.00 CFS

PLACE OF USE:

3190.4 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 area served by Conant Creek Canal Company.

The rights listed below are limited to the irrigation of a combined total of 3190.4 acres in a single irrigation season. Combined Right Nos.: 21-141, 21-2035, 21-2037.

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).

RECOMMENDATION

JUN 29 2012

Brigette Silbey
 SPECIAL MASTER

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

JUN 29 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
 Case No. 39576)
 _____)
) Water Right 21-02035

NAME AND ADDRESS: CONANT CREEK CANAL CO
 PO BOX 344
 ASHTON, ID 83420

SOURCE: CONANT CREEK TRIBUTARY: FALL RIVER

Diversion of water under this right is limited to those times
 when water is available for diversion under the priority of this
 right at the original point of diversion in T8N R44E S27 NWSW.
 Point of injection into and point of redirection from Fall River.

QUANTITY: 25.00 CFS

The redirection of water under this right from Fall River is
 limited to the lesser of the quantity available at the point of
 injection or the point of diversion in T8N R44E S27 NWSW.

PRIORITY DATE: 02/15/1909

POINT OF DIVERSION: T08N R43E S15 SESW Within Fremont County
 S18 NWNE (Injection)
 SENW (Rediversion)
 R44E S27 NWSW

PURPOSE AND
 PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
 Irrigation 04-01 TO 10-31 25.00 CFS

PLACE OF USE:
 3190.4 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 area served by Conant Creek Canal
 Company.
 The rights listed below are limited to the irrigation of a
 combined total of 3190.4 acres in a single irrigation season.
 Combined Right Nos.: 21-141, 21-2035, 21-2037.

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).

RECOMMENDATION

JUN 29 2012

Bipette Lilacy
 SPECIAL MASTER

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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

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

JUN 29 2012

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-02037

By _____ Clerk

Deputy Clerk

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: CONANT CREEK CANAL CO
PO BOX 344
ASHTON, ID 83420

SOURCE: CONANT CREEK TRIBUTARY: FALL RIVER

Diversion of water under this right is limited to those times
when water is available for diversion under the priority of this
right at the original point of diversion in T8N R44E S27 NWSW.
Point of injection into and point of redirection from Fall River.

QUANTITY: 25.00 CFS

The redirection of water under this right from Fall River is
limited to the lesser of the quantity available at the point of
injection or the point of diversion in T8N R44E S27 NWSW.

PRIORITY DATE: 02/25/1910

POINT OF DIVERSION: T08N R43E S15 SESW Within Fremont County
S18 NWNE (Injection)
SENW (Rediversion)
R44E S27 NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	25.00 CFS

PLACE OF USE:

3190.4 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 area served by Conant Creek Canal
Company.

The rights listed below are limited to the irrigation of a
combined total of 3190.4 acres in a single irrigation season.
Combined Right Nos.: 21-121, 21-2035, 21-2037.

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).

RECOMMENDATION

JUN 29 2012

Bijette Lilley
SPECIAL MASTER

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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

JUN 2 1982

By

Clerk

Deputy Clerk

**Conant Creek Canal Company,
Service Area Boundary**

1988 89 UAP Photograph
Data Prepared: 04-13-85
Digitized by: [illegible]
Fremont-Walton Irrigation District
Estimated Acres: 3180.441

☐ Conant Boundary
☐ Irrigated Acres
☐ Section
☐ Township

0 0.5 1.0 Miles



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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): 21-00141
21-02035 21-02037

On June 29, 2012, Special Master BRIGETTE BILYEU 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 29, 2012.



JANET CONNELL
Deputy Clerk

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WATER RESOURCES

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JUN 29 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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 21-00141
21-02035 21-02037

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 29, 2012, with sufficient first-class postage prepaid to the following:

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

AMERICAN FALLS RESERVOIR
Represented by:
C THOMAS ARKOOSH
CAPITOL LAW GROUP, PLLC
301 MAIN ST
PO BOX 32
GOODING, ID 83330
Phone: 208-934-8872

CERTIFICATE OF MAILING

PAGE 1
06/29/12

AMERICAN FALLS
RESERVOIR

AMERICAN FALLS RESERVOIR

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CONANT CREEK CANAL CO
FREMONT-MADISON IRRIGATION

Represented by:
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25 N 2ND E
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MILNER IRRIGATION DISTRICT

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STATE OF IDAHO

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

CLYDE WHITE

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A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT

Represented by:
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MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY

Represented by:
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PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT

Represented by:
W KENT FLETCHER
1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318
Phone: 208-678-3250



JANET CONNELL
Deputy Clerk