

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN - 5 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	)	Subcases 01-4, 01-10 and 01-209
	)	(Twin Falls Canal Co.)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, IDWR Lower Basin 01 (Part 1)* on May 15, 2006. The Director recommended the three claims to the Twin Falls Canal Company, P.O. Box 326, Twin Falls, Idaho, 83301, for 600 cfs, 180 cfs and 3,000 cfs from the Snake River to irrigate 196,162 acres within the area served by the Twin Falls Canal Company from March 15 to November 15 with priority dates of December 22, 1915, April 1, 1939, and October 11, 1900, based on a decree.

Objections were filed by the Twin Falls Canal Company, Idaho Ground Water Appropriators, Inc., Producers Irrigation Company, Independent Water Users of Mud Lake, Mud Lake Water Users, Inc., Jefferson Irrigation District, Montevue Canal Company, Blackfoot Irrigation Company, United Canal Company and United States of America, Department of Interior, Bureau of Land Management between October 3 and 6, 2006, objecting to source, quantity and place of use. The City of Pocatello was granted leave to participate on March 26, 2008.

On December 11, 2009, the Special Master entered an *Order on Motions for Summary Judgment* in 37 subcases, including the above three subcases, finding, *inter alia*, the source of water for all rights listed in the 1968 *Supplemental Eagle Decree* is the Snake River not limited by classification as flood or high flow; the priority dates decreed in the *Supplemental Eagle*

Decree are valid; flood water rights are not subordinated to hydraulically connected water rights; and the season of use for flood water rights should be IDWR's standard season of use.

On June 21, 2011, SRBA Presiding Judge Eric J. Wildman entered a ***Memorandum Decision and Order on Permissive Review*** affirming the Special Master's rulings placed at issue except for the determination to deny the Ground Water District's *Priority date Motion* with respect to water right 01-14.

On November 8, 2011, IDWR filed a *Supplemental Director's Report Regarding Subcase Nos. 01-04, 01-10, and 01-209* concluding its recommendations of those three water rights are based on decrees and the place of use as of 1987, and should be decreed as recommended.

On December 23, 2011, the Ground Water Districts were dismissed as a party. The Fremont Madison Irrigation District, Blackfoot Irrigation Company and United Canal Company withdrew their *Objections* on January 23, 2012. On May 23, 2012, the remaining parties filed *Standard Forms 5* in all three subcases.

A hearing on the *SF-5s* was held by telephone conference on May 21, 2012. Travis L. Thompson appeared for the Twin Falls Canal Company; Michael C. Orr appeared for the State; Candice M. McHugh appeared for the Ground Water Districts; David L. Negri and David W. Gehlert appeared for the United States, Department of Interior, Bureaus of Land Management and Reclamation, along with Scott Beezer; Mitra M. Pemberton appeared for the City of Pocatello; and Chris M. Bromley appeared for IDWR, along with Ray Williams. The parties, *except the State of Idaho*, agreed the following language should be included in the Special Master Report:

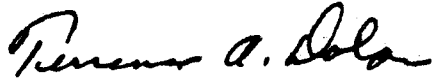
Twin Falls Canal Company (TFCC), the City of Pocatello (Pocatello), and the Ground Water Districts (Districts) agree that evidence relating to water right use after November 19, 1987 was not at issue in these subcases. These water rights are decreed based on the extent of beneficial use that existed prior to or at the time of the commencement of the Snake River Basin Adjudication on November 19, 1987. TFCC, Pocatello, and the Districts further agree that issues related to conjunctive administration (including factors identified in IDAPA 37.03.11.42), as they exist after November 19, 1987, were not at issue in these subcases.

TFCC, Pocatello, and the Districts agree that the "diversion rate" element under each water right reflects the maximum authorized rate of diversion under each water right. However, TFCC, Pocatello, and the Districts agree that crop water demand can vary over the course of the irrigation season, or from season to season, meaning that the maximum authorized diversion rate may or may not be required over the entire course of a particular irrigation season.

Conclusions of Law

The Twin Falls Canal Company is entitled to partial decrees adjudicating water rights as described in the *SF-5s* and that attached *Special Master Recommendations for Partial Decrees for Water Rights 01-4, 01-10 and 01-209*.

DATED June 5, 2012.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath.

TERRENCE A. DOLAN
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 01-00004

NAME AND ADDRESS: TWIN FALLS CANAL CO
PO BOX 326
TWIN FALLS, ID 83301

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 600.00 CFS

PRIORITY DATE: 12/22/1915

POINT OF DIVERSION: T10S R21E S29 LOT 8 (SWNESE) Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	600.00 CFS

PLACE OF USE:

196162 ACRES TOTAL

Place of use is within the area served by Twin Falls Canal Company.

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.

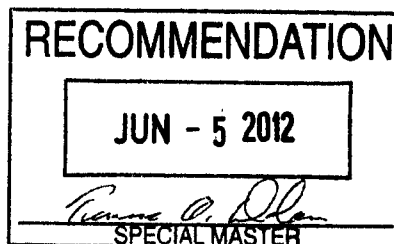
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 01-00010

NAME AND ADDRESS: TWIN FALLS CANAL CO
PO BOX 326
TWIN FALLS, ID 83301

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 180.00 CFS

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION: T10S R21E S29 LOT 8 (SWNESE) Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	180.00 CFS

PLACE OF USE:

196162 ACRES TOTAL
Place of use is within the area served by Twin Falls Canal Company.
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.

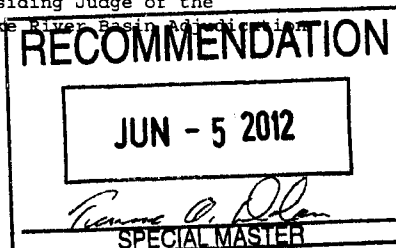
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 01-00209

NAME AND ADDRESS: TWIN FALLS CANAL CO
PO BOX 326
TWIN FALLS, ID 83301

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3000.00 CFS

PRIORITY DATE: 10/11/1900

POINT OF DIVERSION: T10S R21E S29 LOT 8 (SWNESE) Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3000.00 CFS

PLACE OF USE:

196162 ACRES TOTAL
Place of use is within the area served by Twin Falls Canal Company.
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.

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

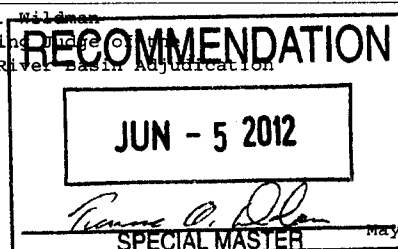
The operation, use and administration of this water right is subject to the terms and conditions of the Settlement Agreement signed on February 14, 2006 with Minidoka Irrigation District, Burley Irrigation District, Twin Falls Canal Company, North Side Canal Company and American Falls Reservoir District #2.

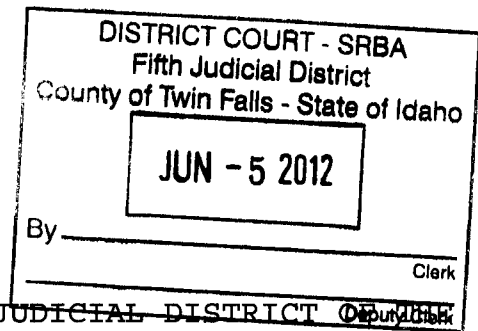
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

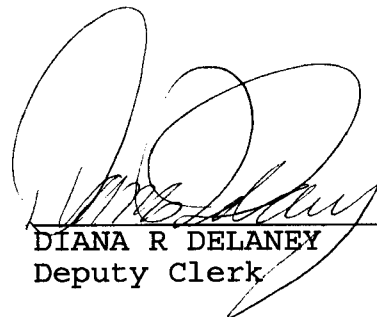
Water Right(s): 01-00004
01-00010 01-00209

On June 05, 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 June 05, 2012.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN - 5 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): 01-00004
01-00010 01-00209

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 05, 2012, with sufficient first-class postage prepaid to the following:

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

CITY OF POCATELLO
Represented by:
A. DEAN TRANMER
CITY OF POCATELLO
PO BOX 4169
POCATELLO, ID 83201
Phone: 208-234-6148

CERTIFICATE OF MAILING

PAGE 1
06/05/12

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

CITY OF POCATELLO

Represented by:
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WHITE & JANKOWSKI LLP
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DENVER, CO 80202
Phone: 303-595-9441

ABERDEEN AMERICAN FALLS
BINGHAM GROUND WATER DISTRICT
BONNEVILLE JEFFERSON GROUND
IGWA INC
JEFFERSON CLARK GROUND WATER
MADISON GROUND WATER DISTRICT
MAGIC VALLEY GROUND WATER DIST
NORTH SNAKE GROUND WATER DIST

Represented by:
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201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
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BURLEY IRRIGATION DISTRICT

Represented by:
ROGER D LING
615 H ST
PO BOX 396
RUPERT, ID 83350-0396
Phone: 208-436-4717

CITY OF POCATELLO

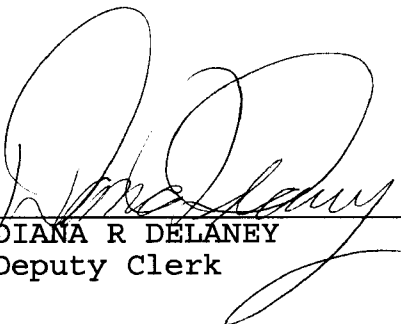
Represented by:
SARAH A KLAHN
WHITE & JANKOWSKI LLP
KITREDGE BUILDING
511 16TH ST STE 500
DENVER, CO 80202
Phone: 303-595-9441

CERTIFICATE OF MAILING

PAGE 2
06/05/12

TWIN FALLS CANAL CO
TWIN FALLS CANAL COMPANY
Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

UNITED STATES OF AMERICA
USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724



DIANA R DELANEY
Deputy Clerk