

DEPARTMENT OF
WATER RESOURCES

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

AUG 08 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

**SPECIAL MASTER’S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

**FOR WATER RIGHTS: 21-148,
21-148A, and 21-13126**

I. FINDINGS OF FACT

A notice of claim was filed for water right 21-148 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 a recommendation for the elements of this water right.

Objections were filed by Boom Creek Canal Company and Fremont Madison Irrigation District. An *Amended Director's Report* was filed on February 29, 2012 which resulted in splitting the former parent right 21-148 into assigned split right numbers 21-148A and 21-13126. An *Objection* was filed by Boom Creek Canal Company on March 26, 2012. The *Objection* was resolved with the filing of *Standard Forms 5* on August 2, 2012. All parties to the subcase and IDWR are signatories to the *Standard Forms 5*.

A. Digital Boundary

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

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 21-148 not

be **confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 21-148A and 21-13126 be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: August 8, 2012.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 08 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 21-00148A

NAME AND ADDRESS: BOOM CREEK CANAL CO
PO BOX 754
ASHTON, ID 83420

SOURCE: BOONE CREEK TRIBUTARY: FALL RIVER

Point of injection into and point of redirection from Squirrel
Creek.

QUANTITY: 10.00 CFS
2865.00 AFY

Right Nos. 21-148A and 21-13126 are limited to a total combined
diversion rate of 10 cfs.

PRIORITY DATE: 09/15/1901

POINT OF DIVERSION: T08N R44E S03 SWSW (Rediversion) Within Fremont County
S17 NWSW (Rediversion)
R46E S05 LOT 6 (SWSE)
LOT 6 (SWSE)(Injection)

The point of diversion for this water right is in Wyoming, T47N
R118W S2 NWSW, 6th Principal Meridian. The point of injection for
this water right is in Wyoming, T47N R118W S10, 6th Principal
Meridian. The points of diversion and injection shown above is
where the conveyance system enters Idaho.

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	10.00 CFS
			2865.00 AFY

PLACE OF USE:

2577 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.
This right is limited to the irrigation of 955 acres within the
place of use described above in a single irrigation season.
Place of use is within the area served by Boom Creek Canal
Company.
Right Nos. 21-148A and 21-13126 are limited to the irrigation of
a combined total of 2577 acres in a single irrigation season.

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

Water rediverted from Squirrel Creek will be regulated under
Idaho priorities.

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

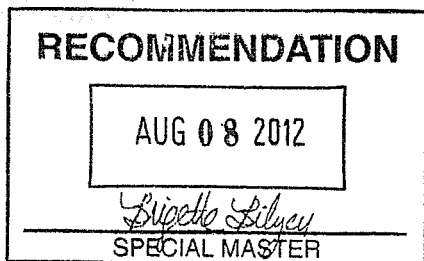
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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).

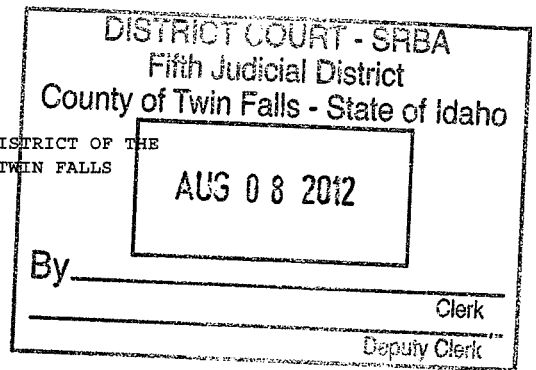
RULE 54(b) CERTIFICATE

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 21-13126

NAME AND ADDRESS: BOOM CREEK CANAL CO
PO BOX 754
ASHTON, ID 83420

RECEIVED

AUG 09 2012

DEPARTMENT OF
WATER RESOURCES

SOURCE: BOONE CREEK TRIBUTARY: FALL RIVER

Point of injection into and point of redirection from Snake
Creek.

QUANTITY: 10.00 CFS

Right Nos. 21-148A and 21-13126 are limited to a total combined
diversion rate of 10 cfs.

PRIORITY DATE: 09/06/1987

This water right is subordinate to all water rights with a
priority date earlier than April 12, 1994, that are not decreed
as enlargements pursuant to Section 42-1426, Idaho Code. As
between water rights decreed as enlargements pursuant to Section
42-1416, Idaho Code, the earlier priority right is the superior
right.

POINT OF DIVERSION: T08N R44E S03 SWSW (Rediversion) Within Fremont County
S17 NWSW (Rediversion)
R46E S05 LOT 6 (SWSE)
LOT 6 (SWSE)(Injection)

The point of diversion for this water right is in Wyoming, T47N
R118W S2 NWSW, 6th Principal Meridian. The point of injection for
this water right is in Wyoming, T47N R118W S10, 6th Principal
Meridian. The points of diversion and injection shown above is
where the conveyance system enters Idaho.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	10.00 CFS

PLACE OF USE:

2577 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 Boom Creek Canal
Company.
Right Nos. 21-148A and 21-13126 are limited to the irrigation of
a combined total of 2577 acres in a single irrigation season.

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

This right is based upon an enlargement of Right No. 21-148A
pursuant to Section 42-1426, Idaho Code.

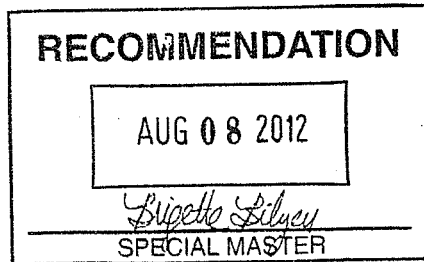
OTHER PROVISIONS (continued)

Water diverted from Squirrel Creek will be regulated under Idaho priorities.

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

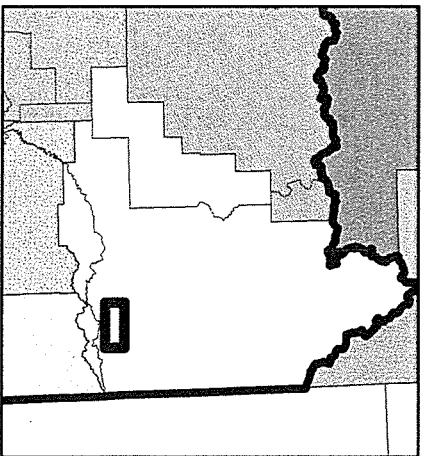


Idaho State Board of Agriculture
District
County of Twin Falls, State of Idaho
AUG 08 2012
Irrigation Service Area Boundary
GIS Place of Use Illustration
By _____
Clerk
Dep. Clerk

Boom Creek Canal Co

Adjudication Recommendations: 21-148A, 21-13126

- Service Area
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Fremont County
IDWR Basin 21

Prepared by Favreau, Danielle
On June 26, 2012
1987/88 Aerial Photography



DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG - 2 2012	
By _____	Clerk
	Deputy Clerk

RECEIVED

AUG 09 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho AUG 08 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

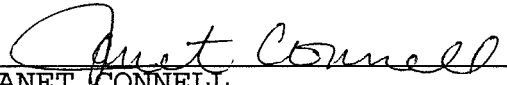
Water Right(s): 21-00148
21-00148A 21-13126

On August 08, 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 August 08, 2012.


JANET CONNELL
Deputy Clerk

RECEIVED

AUG 09 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 08 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): 21-00148
21-00148A 21-13126

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 August 08, 2012, with sufficient first-class postage prepaid to the following:

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

BOOM CREEK CANAL CO
FREMONT MADISON IRRIGATION

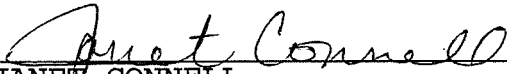
Represented by:
JERRY R RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

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

CERTIFICATE OF MAILING

PAGE 1
08/08/12

SQUIRREL CREEK IRRIGATION CO
PO BOX 611
ASHTON, ID 83420
Phone: 208-709-3646


JANET CONNELL
Deputy Clerk