

RECEIVED

AUG 10 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG - 9 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 01-10483
	)	(Amalgamated Sugar Co.)
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO ALTER OR
	)	AMEND and AMENDED 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 claim to Amalgamated Sugar Company, 1951 S. Saturn Way, Suite 100, Boise, Idaho, 83705, for .61 cfs from the Snake River to irrigate 30.5 acres in Cassia County from March 15 to November 15 with a priority date of May 18, 1926, based on beneficial use.

The Idaho Ground Water Appropriators filed an *Objection* on October 4, 2006, objecting to source. 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 the above subcase, plus 36 others, holding in relevant parts: 1) the source of water for all rights listed in the *Supplemental Eagle Decree* is the Snake River not limited by classification as flood of high flow; 2) the priority dates decreed in the *Eagle Decree* are valid; 3) flood water rights are not subordinated to junior hydraulically connected water rights; and 4) 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 rulings in relevant part.

On January 17, 2012, the Special Master entered a *Report*, but on February 28, 2012, Amalgamated filed a *Motion to Alter or Amend Special Master's Report* because the total

irrigated acreage may not have been included. On April 26, 2012, Amalgamated was granted leave to file a late objection and the **Report** was placed on hold. On August 7, 2012, Amalgamated, with IDWR's concurrence, filed a *Standard Form 5* agreeing to .79 cfs to irrigate 39.3 acres.

Order

THEREFORE, IT IS ORDERED that Amalgamated's *Motion to Alter or Amend* is **granted**.

Conclusions of Law

Amalgamated Sugar Company is entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 01-10483*.

DATED August 9, 2012.



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
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 01-10483

NAME AND ADDRESS: THE AMALGAMATED SUGAR CO
1951 S SATURN WAY STE 100
BOISE, ID 83705

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.79 CFS

PRIORITY DATE: 05/18/1926

POINT OF DIVERSION: T10S R23E S19 LOT 1 (NENE) Within Cassia County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.79 CFS

PLACE OF USE: Irrigation Within Cassia County
T10S R23E S19 LOT 1 (NENE) 0.3 LOT 2 (SWNE) 10.0
SENE 20.0 NESE 9.0
39.3 Acres Total

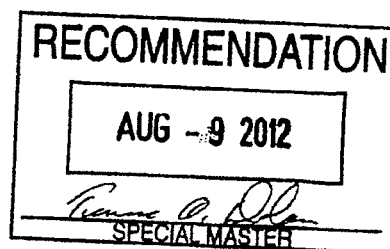
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

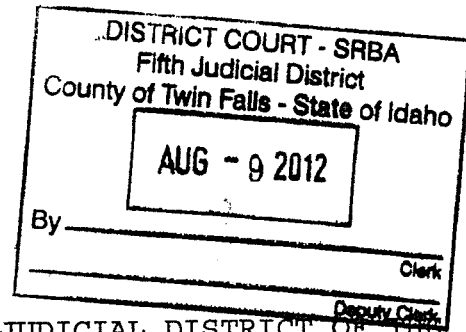
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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





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

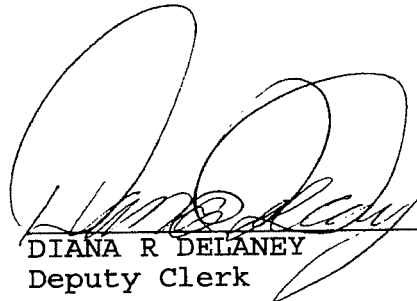
Water Right(s): 01-10483

On August 09, 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.

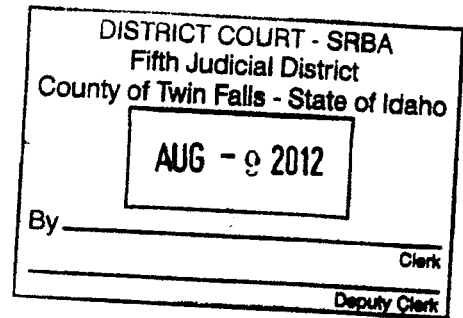
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 August 09, 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

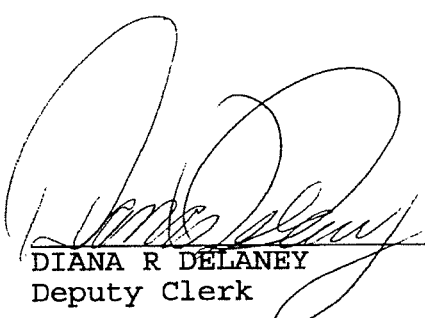
Water Right(s) : 01-10483

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 09, 2012, with sufficient first-class postage prepaid to the following:

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

THE AMALGAMATED SUGAR CO
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702-6049
Phone: 208-331-0950


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
08/09/12