

RECEIVED
AUG 20 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 17 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: 21-48, 21-49,
	)	21-73B, 21-73D, 21-73F, 21-73J, 21-75,
_____	)	and 21-10944

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 That theory and the related *Amended Claims* were later withdrawn by the claimants in consolidated subcase 00-92020.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 30 subcases in round three which needed changes due to omission of elements from prior decrees, licenses, or transfers.

A Status Conference was held on April 4, 2012 in subcase 00-92020. At the hearing, the parties agreed to resolve all *Objections and Responses* to the 30 subcases by oral *Stipulation* on the record.

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.

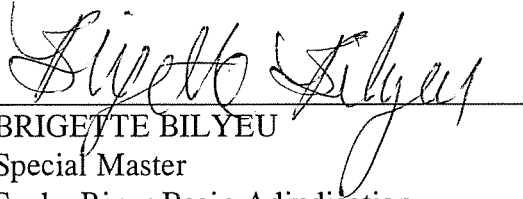
A. Digital Boundary

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: August 17, 2012.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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

AUG 17 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 21-00048

NAME AND ADDRESS: NORTH FREMONT CANAL
SYSTEMS INC
C/O LON ATCHLEY
PO BOX 241
ASHTON, ID 83420

SOURCE: FALL RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 34.00 CFS

This right when combined with all other rights shall provide no
more than 0.02 cfs per acre nor more than 3.5 afa per acre at the
field headgate for irrigation of the place of use.

PRIORITY DATE: 04/01/1896

POINT OF DIVERSION: T08N R42E S04 LOT 1 (NENE) Within Fremont County
S21 LOT 1 (NESE)
S22 SESE
T09N R42E S13 LOT 4 (SWNW)
S23 NWNW
NESE
S25 NWNW
R43E S35 NESE
NESE
R44E S35 NWNW
R45E S33 NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	34.00 CFS

PLACE OF USE:

31539 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.
The rights listed below are limited to the irrigation of a
combined total of 31,539 acres in a single irrigation season.
Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F,
21-73J, 21-75, and 21-10944.
Place of use is within the area served by North Fremont Canal
Systems Inc.

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

The right holder shall provide the watermaster of State Water
District No. 01, Snake River, with a water right distribution
summary prior to each irrigation season designating the amount
of water to be diverted from each point of diversion and
specifying the associated water right number(s) and date of
priority.

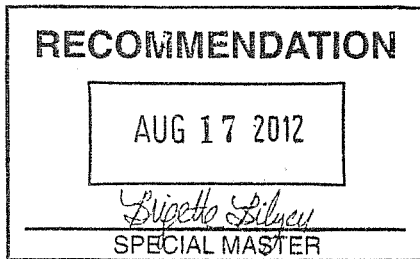
OTHER PROVISIONS (continued)

The right holder shall provide the watermaster of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.

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

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

AUG 17 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 21-00049

NAME AND ADDRESS: NORTH FREMONT CANAL
SYSTEMS INC
C/O LON ATCHLEY
PO BOX 241
ASHTON, ID 83420

SOURCE: FALL RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 12.00 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 05/01/1904

POINT OF DIVERSION: T08N R42E S04 LOT 1 (NENE) Within Fremont County
S21 LOT 1 (NESE)
S22 SESE
T09N R42E S13 LOT 4 (SWNW)
S23 NWNE
NESE
S25 NWNE
R43E S35 NESE
NESE
R44E S35 NWNW
R45E S33 NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	12.00 CFS

PLACE OF USE:

31539 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. The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944. Place of use is within the area served by North Fremont Canal Systems Inc.

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

The right holder shall provide the watermaster of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and specifying the associated water right number(s) and date of priority.

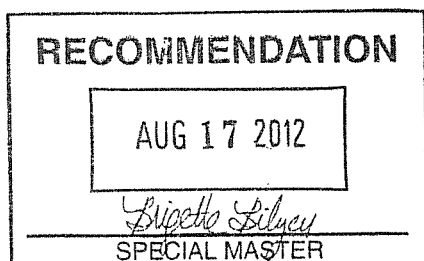
OTHER PROVISIONS (continued)

The right holder shall provide the watermaster of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.

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

By _____ Clerk

Deputy Clerk

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OTHER PROVISIONS (continued)

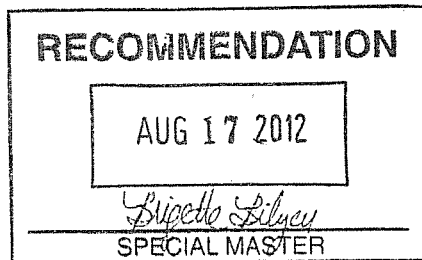
specifying the associated water right number(s) and date of priority.

The right holder shall provide the watermaster of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.

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).

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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

AUG 17 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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-00073D

NAME AND ADDRESS: NORTH FREMONT CANAL
SYSTEMS INC
C/O LON ATCHLEY
PO BOX 241
ASHTON, ID 83420

SOURCE: FALL RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 4.00 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 11/05/1895

POINT OF DIVERSION: T08N R42E S04 LOT 1 (NENE) Within Fremont County
S21 LOT 1 (NESE)
S22 SESE
T09N R42E S13 LOT 4 (SWNW)
S23 NWNE
NESE
S25 NWNE
R43E S35 NESE
NESE
R44E S35 NWNW
R45E S33 NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.00 CFS

PLACE OF USE:

31539 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.

The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.

Place of use is within the area served by North Fremont Canal Systems Inc.

This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.

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

The right holder shall provide the watermaster of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and

OTHER PROVISIONS (continued)

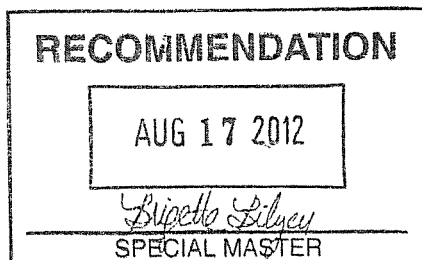
specifying the associated water right number(s) and date of priority.

The right holder shall provide the watermaster of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.

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).

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Fifth Judicial District
County of Twin Falls - State of Idaho

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By _____ Clerk

Deputy Clerk

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WATER RESOURCES

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-00073F

NAME AND ADDRESS: NORTH FREMONT CANAL
SYSTEMS INC
C/O LON ATCHLEY
PO BOX 241
ASHTON, ID 83420

SOURCE: FALL RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 3.92 CFS

This right when combined with all other rights shall provide no
more than 0.02 cfs per acre nor more than 3.5 afa per acre at the
field headgate for irrigation of the place of use.

PRIORITY DATE: 11/05/1895

POINT OF DIVERSION: T08N R42E S04 LOT 1 (NENE) Within Fremont County
S21 LOT 1 (NESE)
S22 SESE
T09N R42E S13 LOT 4 (SWNW)
S23 NWNE
NESE
S25 NWNE
R43E S35 NESE
NESE
R44E S35 NWNW
R45E S33 NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.92 CFS

PLACE OF USE:

31539 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
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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.
The rights listed below are limited to the irrigation of a
combined total of 31,539 acres in a single irrigation season.
Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F,
21-73J, 21-75, and 21-10944.
Place of use is within the area served by North Fremont Canal
Systems Inc.

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

The right holder shall provide the watermaster of State Water
District No. 01, Snake River, with a water right distribution
summary prior to each irrigation season designating the amount
of water to be diverted from each point of diversion and
specifying the associated water right number(s) and date of
priority.

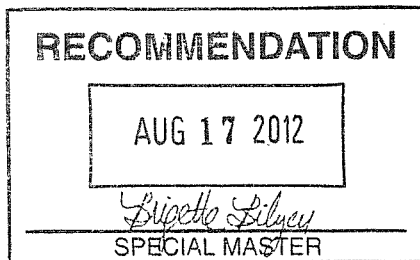
OTHER PROVISIONS (continued)

The right holder shall provide the watermaster of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.

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).

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

AUG 17 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 21-00073J

NAME AND ADDRESS: NORTH FREMONT CANAL
SYSTEMS INC
C/O LON ATCHLEY
PO BOX 241
ASHTON, ID 83420

SOURCE: FALL RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 317.66 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 11/05/1895

POINT OF DIVERSION: T08N R42E S04 LOT 1 (NENE) Within Fremont County
S21 LOT 1 (NESE)
S22 SESE
T09N R42E S13 LOT 4 (SWNW)
S23 NWNE
NESE
S25 NWNE
R43E S35 NESE
NESE
R44E S35 NWNW
R45E S33 NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	317.66 CFS

PLACE OF USE:

31539 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.

The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.

Place of use is within the area served by North Fremont Canal Systems Inc.

This right is limited to the irrigation of 6320 acres within the place of use described above in a single irrigation season.

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

The right holder shall provide the watermaster of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and

OTHER PROVISIONS (continued)

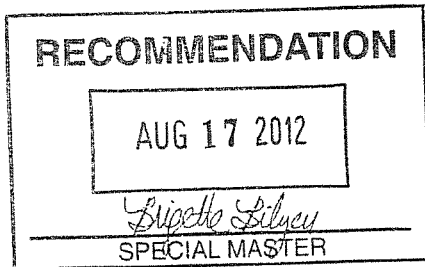
specifying the associated water right number(s) and date of priority.

The right holder shall provide the watermaster of State Water District No. 01, Snake River, with an assignment of available storage water among the various points of diversion prior to the storage being delivered if the right holder does not wish the storage water to be uniformly available to all diversion points.

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).

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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 17 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 21-00075

NAME AND ADDRESS: NORTH FREMONT CANAL
SYSTEMS INC
C/O LON ATCHLEY
PO BOX 241
ASHTON, ID 83420

SOURCE: FALL RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 3.00 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 06/01/1894

POINT OF DIVERSION: T08N R42E S04 LOT 1 (NENE) Within Fremont County
S21 LOT 1 (NESE)
S22 SESE
T09N R42E S13 LOT 4 (SWNW)
S23 NWNE
NESE
S25 NWNE
R43E S35 NESE
NESE
R44E S35 NWNW
R45E S33 NWSW

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.00 CFS

PLACE OF USE:

31539 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.

The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season. Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.

Place of use is within the area served by North Fremont Canal Systems Inc.

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

The right holder shall provide the watermaster of State Water District No. 01, Snake River, with a water right distribution summary prior to each irrigation season designating the amount of water to be diverted from each point of diversion and specifying the associated water right number(s) and date of priority.

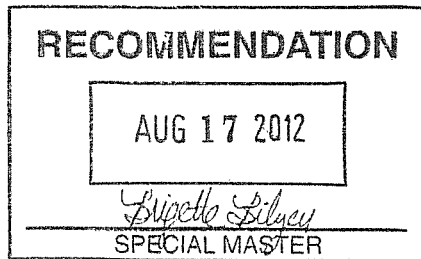
OTHER PROVISIONS (continued)

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Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

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

AUG 17 2012

By _____ Clerk
Deputy Clerk

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-10944

NAME AND ADDRESS: NORTH FREMONT CANAL
SYSTEMS INC
C/O LON ATCHLEY
PO BOX 241
ASHTON, ID 83420

SOURCE: BLACK SPRINGS CREEK TRIBUTARY: HENRYS FORK

Point of injection into and point of redirection from Black Springs Creek.
Diversion of water under this right from Fall River 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 R42E S4 NENE Lot 1.

QUANTITY: 1.90 CFS

PRIORITY DATE: 06/01/1892

POINT OF DIVERSION: T08N R42E S04 LOT 1 (NENE) (Injection) Within Fremont County
LOT 1 (NENE) (Rediversion)
T09N R43E S35 NESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.90 CFS

PLACE OF USE:

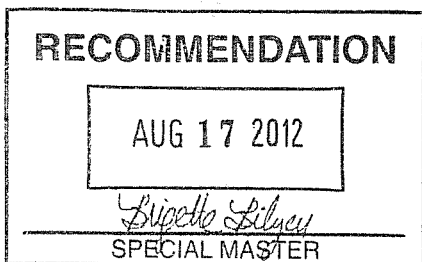
31539 ACRES TOTAL
The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored 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.
The rights listed below are limited to the irrigation of a combined total of 31,539 acres in a single irrigation season.
Combined Right Nos.: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, and 21-10944.
Place of use is within the area served by North Fremont Canal Systems Inc.
Right Nos. 21-75 and 21-10944 are limited to the irrigation of a combined total of 171.6 acres in a single irrigation season.

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.



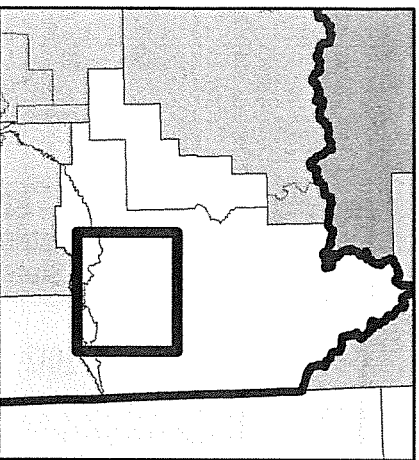
Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

North Fremont Canal Systems Inc

Adjudication Recommendations: 21-48, 21-49, 21-73B, 21-73D, 21-73F, 21-73J, 21-75, 21-10944

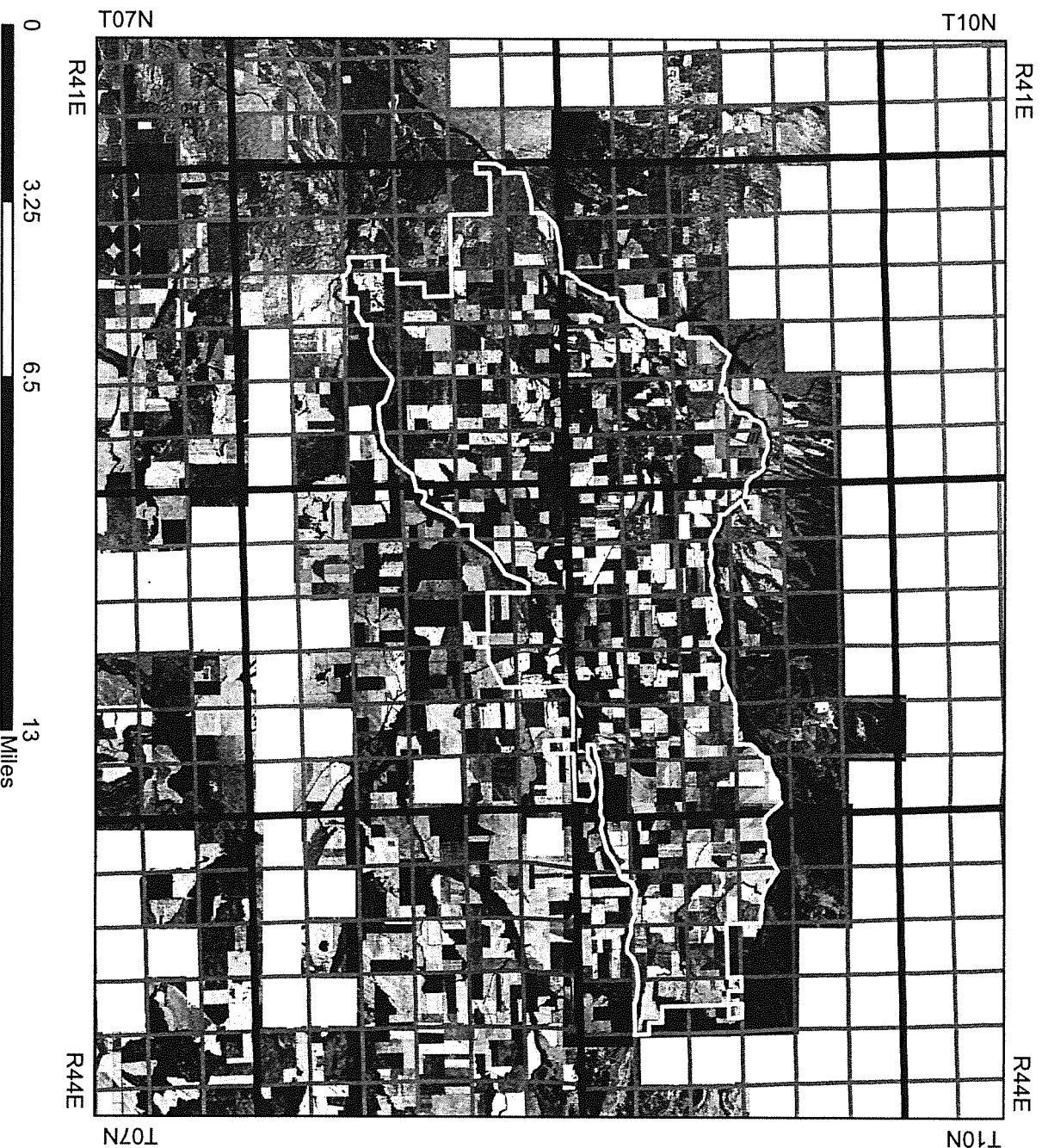
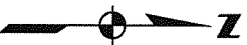
Seal of the State of Idaho
DISTRICT CLERK
FIDELITY & SECURITY
County of Twin Falls
Irrigation Service Area Boundary
GIS Place of Use Illustration
17 2012
By _____
Deputy Clerk

- Service Area
- State Outline
- Townships
- PLS Sections



Fremont County
IDWR Basin 21

Prepared by Favreau, Danielle
On February 28, 2012



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

APR 25 2012

By _____ Clerk

Deputy Clerk

RECEIVED

AUG 20 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 17 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

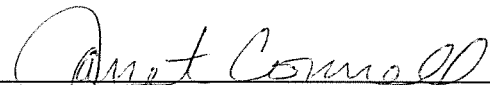
Water Right(s): 21-00048
21-00049 21-00073B 21-00073D
21-00073F 21-00073J 21-00075
21-10944

On August 17, 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 17, 2012.


JANET CONNELL
Deputy Clerk

RECEIVED

AUG 20 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 17 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): 21-00048
21-00049 21-00073B 21-00073D
21-00073F 21-00073J 21-00075
21-10944

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 17, 2012, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO

Represented by:

CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-0449
Phone: 208-334-2400

CERTIFICATE OF MAILING

PAGE 1
08/17/12

MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL CO LTD
TWIN FALLS CANAL COMPANY

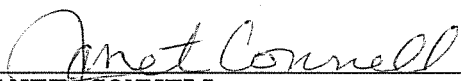
Represented by:
TRAVIS L THOMPSON
195 RIVER VISTA PL STE 204
TWIN FALLS, ID 83301-3029
Phone: 208-733-0700

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

MINIDOKA IRRIGATION DISTRICT

Represented by:
W KENT FLETCHER
1200 OVERLAND AVE
PO BOX 248
BURLEY, ID 83318-0248
Phone: 208-678-3250



JANET CONNELL
Deputy Clerk