

RECEIVED
SEP 20 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 19 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: 21-12954 and
_____	)	21-12955

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 a recommendation 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 That theory and the related *Amended Claims* were later withdrawn by the claimants in consolidated subcase 00-92020.

A. Rec/Rec

Subsequently, IDWR reviewed its *Director's Reports* for the rec/rec subcases to ensure that it had included the elements from prior decrees, licenses and transfers. These subcases were identified by IDWR as needing changes and were placed on the list of rec/rec subcases set for trial.

An Amended Director's Report was filed for each of these water rights on May 30, 2012. *Objections* were filed by Southeast Idaho Canal Company on June 22, 2012. A *Notice of Withdrawal of Objection* was filed for each of these rights on August 29, 2012. There was no opposition to the withdrawal of the *Objections*. There are no remaining objections in these water rights. These water rights will be recommended consistent with the *Amended Director's Report*.

B. Digital Boundary

The place of use for this right is a digital boundary and is illustrated by the map overlay attached to the *Recommendation 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 this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: September 19, 2012.



BRIGETTE BILYEU
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

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 19 2012	
By _____	Clerk
Deputy Clerk	

In Re SRBA)
)
Case No. 39576)
)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
)
) Water Right 21-12954

NAME AND ADDRESS: SOUTHEAST IDAHO CANAL CO
PO BOX 15
ST ANTHONY, ID 83445

SOURCE: FALLS RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 20.16 CFS

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION: T08N R41E S33 NWNE Within Fremont County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	07-01 TO 10-31	20.16 CFS

PLACE OF USE:

14754 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 Southeast Idaho Canal Company.

The rights listed below are limited to the irrigation of a combined total of 14,754 acres in a single irrigation season. Combined Right Nos.: 21-12902, 21-12907, 21-12911, 21-12919, 21-12920, 21-12953, 21-12954, 21-12955, and 21-12956.

The rights listed below are limited to the irrigation of a combined total of 14,203 acres in a single irrigation season. Combined Right Nos.: 21-12953, 21-12954, 21-12955, and 21-12956. Right Nos. 21-12954 and 21-12955 are limited to the irrigation of a combined total of 993 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).

RECOMMENDATION
SEP 19 2012
<i>Bigelle Lilley</i>
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

SEP 19 2012

By _____ Clerk
 _____ Deputy Clerk

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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 SEP 19 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) : 21-12954
21-12955

On September 19, 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 September 19, 2012.



 JANET CONNELL
 Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
SEP 19 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): 21-12954
21-12955

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 September 19, 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

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AMERICAN FALLS RESERVOIR

Represented by:

CRAIG D HOBDEY
HOBDEY LAW OFFICE PLLC
125 5TH AVE
PO BOX 176
GOODING, ID 83330-0176
Phone: 208-934-4429

FREMONT-MADISON IRRIGATION
SOUTHEAST IDAHO CANAL CO

Represented by:

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

MILNER IRRIGATION DISTRICT

Represented by:

JOHN K SIMPSON
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

A & B IRRIGATION DISTRICT
BURLEY IRRIGATION DISTRICT

Represented by:

ROGER D LING
PO BOX 623
RUPERT, ID 83350-0623
Phone: 208-434-2717

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

Represented by:

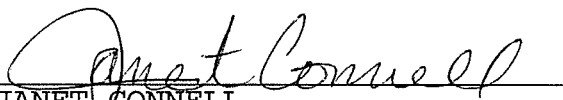
TRAVIS L THOMPSON
195 RIVER VISTA PL STE 204
TWIN FALLS, ID 83301-3029
Phone: 208-733-0700

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