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NOV 08 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
NOV 07 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

) WATER RIGHT NOS.: 22-7022,
) 22-13505, 22-14057 and 21-13151
)

I. FINDINGS OF FACT

A notice of claim was filed for water right 22-7022 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.

A *Notice of Completed Administrative Proceeding* was filed on May 6, 2006 which resulted in splitting the former parent right 22-7022 into assigned split right numbers 22-13505 and 22-13506. *Objections* were filed by Fremont Madison Irrigation District and the United States Bureau of Land Management. Multiple *Responses* were filed by multiple parties.

An *Amended Director's Report* was filed on May 30, 2012. *Objections* were filed by Fremont Madison Irrigation District and the United States Bureau of Land Management.

A *Notice of Completed Administrative Proceeding* was filed on September 24, 2012 which resulted in water right 22-13505 being split into assigned split right numbers 21-13151 and 22-14057. A Status Conference was held on September 26, 2012. At the hearing, the parties agreed that these water right numbers should be recommended consistent with the *Notice of Completed Administrative Proceeding* filed on September 26, 2012.

A. Digital Boundary

The place of use for water rights 21-13151 and 22-14057 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

Based on the file and record herein, IT IS RECOMMENDED that water rights 22-7022 and 22-13505 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 21-13151 and 22-14057 be **decreed** with the elements as set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: November 7, 2012.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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

NOV 07 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 21-13151

NAME AND ADDRESS: FREMONT MADISON IRRIGATION
 DISTRICT
 DALE SWENSEN SEC-TREAS
 PO BOX 15
 ST ANTHONY, ID 83445

SOURCE: GROUND WATER

QUANTITY: 76.75 CFS
 32578.00 AFY

Use of water from these wells for supplemental irrigation, when combined with other direct flow or storage water rights, shall provide no more than 0.02 cfs per acre nor more than 5.0 acre-feet of water per acre per irrigation season. Rights 21-13151, 22-14057 and 22-13506 when combined shall not exceed a total annual maximum diversion volume of 220,000 acre-feet.

PRIORITY DATE: 04/23/1969

POINT OF DIVERSION: T06N R38E S25 SWNE Within Madison County
 T07N R39E S16 NWSE Within Fremont County
 S34 LOT 17 (SWSW) Within Madison County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	76.75 CFS 32578.00 AFY

PLACE OF USE:

Place of use is within the boundary of Fremont-Madison Irrigation District pursuant to Section 43-323, Idaho Code. 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 does not include federal public lands unless authorized in writing by the United States Bureau of Reclamation. Rights 21-13151, 22-14057 and 22-13506 when combined shall not exceed the irrigation of 152,562 acres, comprised of 111,210 acres for which these rights shall be supplemental to other water rights for irrigation purposes and 41,352 acres for which these rights may be the sole supply of irrigation water.

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

Rights 21-13151 and 22-14057 are limited to the total number of acres irrigated under those rights prior to July 18, 2012, the date proof of beneficial use was filed for those rights. Additional irrigated acres can no longer be developed under rights 21-13151 and 22-14057.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

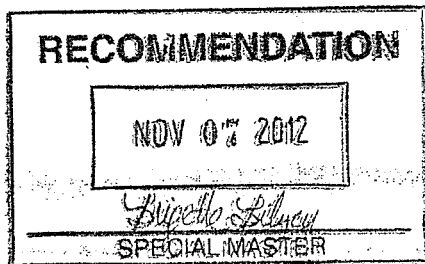
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

NOV 07 2012

By _____ Clerk

Deputy Clerk

PAGE 1
Oct-05-2012

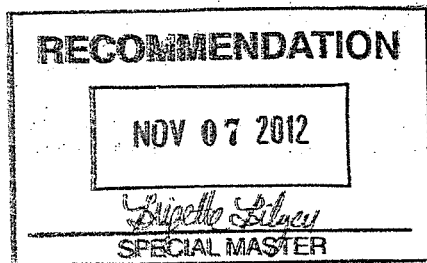
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

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

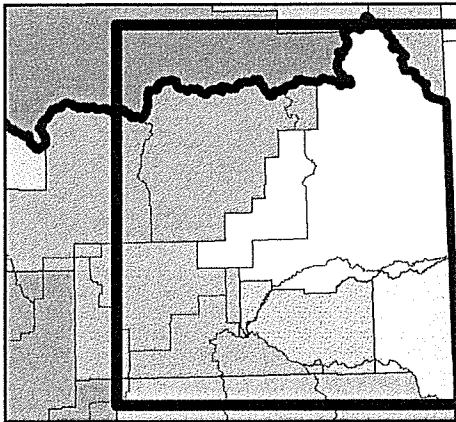


Fremont Madison Irrigation District

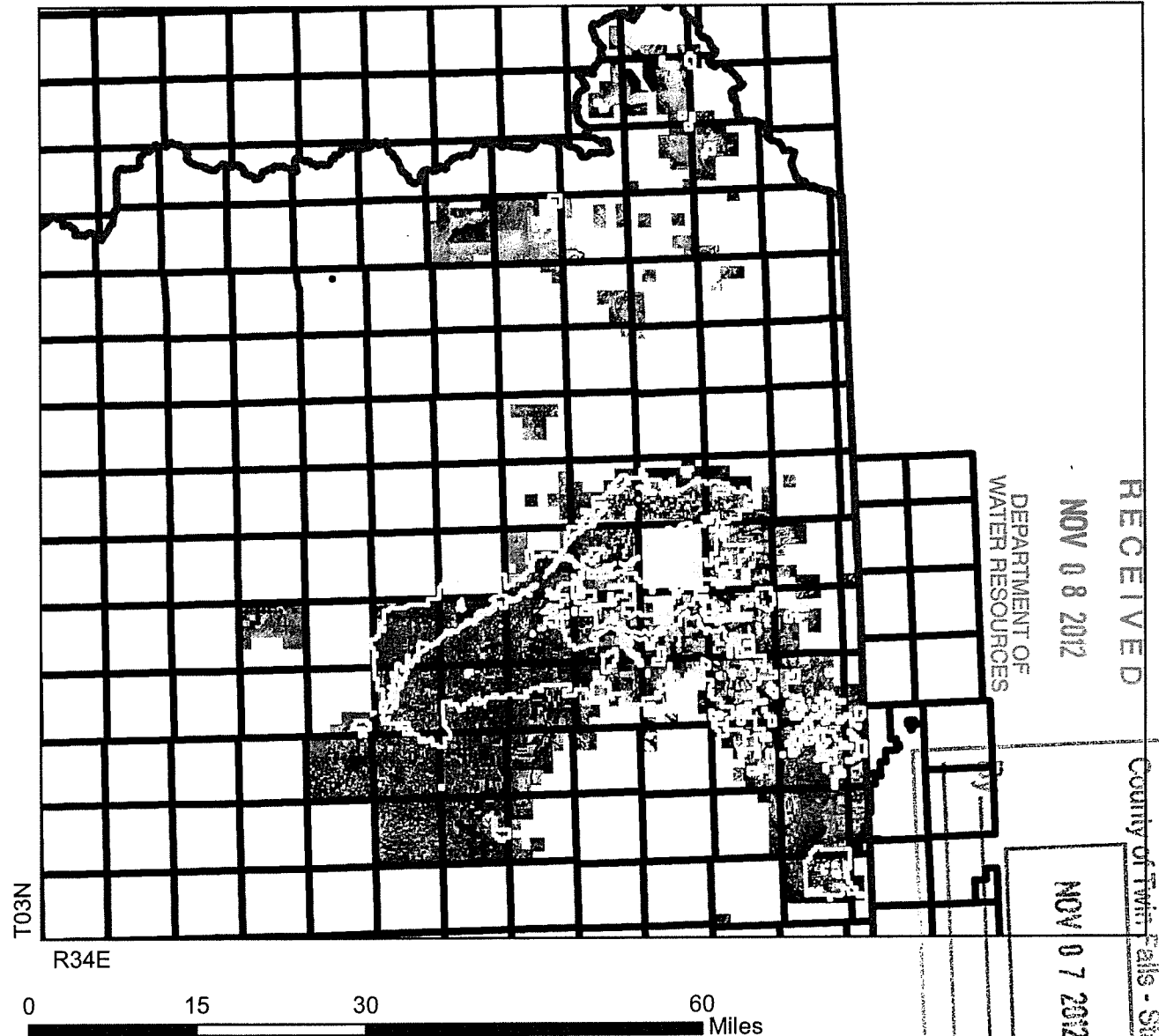
Adjudication Recommendations: 21-120A, 21-121A, 21-122A, 21-123A, 21-124A, 21-125A, 21-126A, 21-2156, 21-4155, 21-10560, 21-13151, 22-14057

Irrigation Service Area Boundary
GIS Place of Use Illustration

- Service Area
- State Outline
- Townships



Clark, Fremont, Jefferson, Madison,
Teton Counties



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DEPARTMENT OF
WATER RESOURCES

NOV 07 2012

County of Twin Falls - State of Idaho

DISTRICT COURT - SRBA

Prepared by Favreau, Danielle
November 1, 2012
1987/88 Aerial Photography

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

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By _____ Clerk

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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

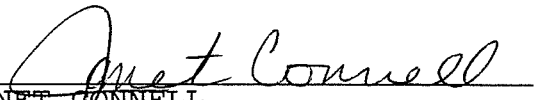
Water Right(s): 21-13151
22-07022 22-13505 22-14057

On November 07, 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 November 07, 2012.


JANET CONNELL
Deputy Clerk

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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): 21-13151
22-07022 22-13505 22-14057

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 November 07, 2012, with sufficient first-class postage prepaid to the following:

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

MILNER IRRIGATION DISTRICT
NORTH SIDE CANAL COMPANY
TWIN FALLS CANAL COMPANY

Represented by:
BARKER ROSHOLT & SIMPSON LLP
195 RIVER VISTA PL STE 204
TWIN FALLS, ID 83301-3029
Phone: 208-733-0700

CERTIFICATE OF MAILING

PAGE 1
11/07/12

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

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

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

NORTH SIDE CANAL CO LTD

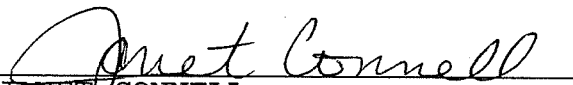
TWIN FALLS CANAL COMPANY

Represented by:

TRAVIS L THOMPSON
195 RIVER VISTA PL STE 204
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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