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JAN 11 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN - 9 2013	
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	)	Subcases 01-2064A, et al.
	)	(see list of 23 subcases attached)
	)	
Case No. 39576	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION
_____	)	

Findings of Fact

The above 23 claims were filed by nine different canal companies and irrigation districts, plus the United States of America, Department of Interior, Bureau of Reclamation (USDI/BOR), for storage water rights in four Basin 01 reservoirs: Jackson Lake, Palisades Reservoir, American Falls Reservoir and Lake Walcott.

The Director of the Idaho Department of Water Resources filed *Director's Reports* on May 15 and December 19, 2006. The Director recommended 22 of the claims be disallowed because they were recommended as water rights 01-2064, 01-2068 or 01-10045 claimed by the USDI/BOR. The Director recommended claim 01-10034 to the USDI/BOR for irrigation storage and irrigation from storage in Lake Walcott. The parties filed objections to the recommendations on April 19 and 20, 2007.

On September 25, 2012, the parties and IDWR, except the City of Pocatello, filed a *Stipulation* in multiple subcases, including 01-219, 01-2064, 01-2068, 01-4055, 01-10042, 01-10043, 01-10044 and 01-10045. The *Stipulation* listed certain remarks and elements to be included in partial decrees for the water rights. The document also said the parties, with IDWR's concurrence, agreed the *Stipulation* is a "complete resolution of the water right elements and remarks" of those water rights.

However, the parties excepted from the *Stipulation*: 1) specific objections and responses raised by the City of Pocatello, Idaho Power Company, North Side and Twin Falls Canal Companies and A&B, Burley, Falls, Milner and Minidoka Irrigation Districts, 2) a "refill" remark in four particular subcases, 3) further proceedings on the Special Master's September 14, 2012 *Report and Recommendation* and 4) "any issues arising in the Basin-Wide 17 proceeding or any other storage water right basin-wide issue." The Special Master entered an *Order Adopting Stipulation* on November 2, 2012, binding all parties to its terms.

Trial on all remaining Basin 01 "non-refill" issues, including purpose of use, place of use and ownership of storage water in Palisades Reservoir (01-2068 and 01-2068Y), was held on December 10, 2012. At the beginning of trial, the parties agreed to withdraw their objections filed in subcases competing with USDI/BOR claims in Jackson Lake (01-4055, 01-10044 and 01-10045), Palisades Reservoir (01-2068 and 01-10043), American Falls Reservoir (01-2064 and 10042) and Lake Walcott (01-10034). The USDI/BOR agreed that it withdrew its claim in subcase 01-10034 in the *Stipulation* because the claim is now recommended to the USDI/BOR as water right 01-219. Resolution of subcases 01-2068 and 01-2068Y remains at issue pending the filing of post-trial briefs.

Conclusions of Law

The parties are **not** entitled to partial decrees for the above 22 competing claims, plus withdrawn claim 01-10034.

Recommendation

THEREFORE, IT IS RECOMMENDED that the above 23 claims be **disallowed**.

DATED January 9, 2013.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

American Falls Competing Claims:

01-02064A	TWIN FALLS CANAL COMPANY
01-02064B	MILNER IRRIGATION DISTRICT
01-02064C	NORTH SIDE CANAL CO LTD
01-02064D	HILLSDALE IRRIGATION DIST
01-02064E	FALLS IRRIGATION DISTRICT
01-02064F	A & B IRRIGATION DISTRICT
01-02064L	NEW SWEDEN IRRIGATION DIST
01-10042A	TWIN FALLS CANAL COMPANY
01-10042B	NORTH SIDE CANAL CO LTD
01-10053A	NORTH SIDE CANAL CO LTD
01-10190	MINIDOKA IRRIGATION DISTRICT

Palisades Competing Claims:

01-02068D	MILNER IRRIGATION DISTRICT
01-02068E	FALLS IRRIGATION DISTRICT
01-02068F	A & B IRRIGATION DISTRICT
01-02068M	NEW SWEDEN IRRIGATION DIST
01-10043A	NORTH SIDE CANAL CO LTD
01-10043E	NEW SWEDEN IRRIGATION DIST
01-10191	MINIDOKA IRRIGATION DISTRICT
01-10389	ABERDEEN-SPRINGFIELD CANAL CO

Lake Walcott Competing Claim:

01-10034	UNITED STATES OF AMERICA
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Jackson Lake Competing claims:

01-10045A	TWIN FALLS CANAL COMPANY
01-10045B	NORTH SIDE CANAL CO LTD
01-10196	MINIDOKA IRRIGATION DISTRICT

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

JAN - 9 2013

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): 01-02064A
(SEE ATTACHED EXHIBIT A)

On January 09, 2013, 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 January 09, 2013.


DIANA R DELANEY
Deputy Clerk

Exhibit A

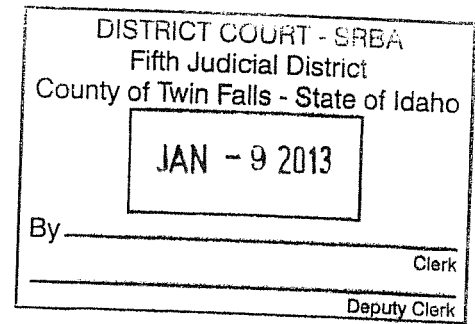
Subcase Nos:

01-02064A
01-02064B
01-02064C
01-02064D
01-02064E
01-02064F
01-02064L
01-02068D
01-02068E
01-02068F
01-02068M
01-10034
01-10042A
01-10042B
01-10043A
01-10043E
01-10045A
01-10045B
01-10053A
01-10190
01-10191
01-10196
01-10389

Exhibit A

Subcase Nos:

01-02064A
01-02064B
01-02064C
01-02064D
01-02064E
01-02064F
01-02064L
01-02068D
01-02068E
01-02068F
01-02068M
01-10034
01-10042A
01-10042B
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01-10196
01-10389



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): 01-02064A
(SEE ATTACHED EXHIBIT A)

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 January 09, 2013, with sufficient first-class postage prepaid to the following:

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

CERTIFICATE OF MAILING

PAGE 1
01/09/13

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ABERDEEN-SPRINGFIELD CANAL CO
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BONNEVILLE-JEFFERSON GROUND
JEFFERSON CLARK GROUND WATER
MADISON GROUND WATER DISTRICT
MAGIC VALLEY GROUND WATER DIST
NORTH SNAKE GROUND WATER

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BURLEY IRRIGATION DISTRICT
FALLS IRRIGATION DISTRICT

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MILNER IRRIGATION DISTRICT
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TWIN FALLS CANAL COMPANY

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Phone: 208-733-0700

UNITED STATES OF AMERICA
USDI BUREAU OF RECLAMATION

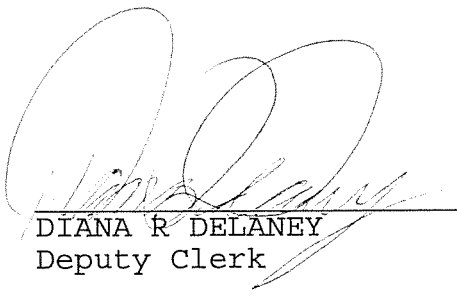
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DIANA R DELANEY
Deputy Clerk