

DEPARTMENT OF
WATER RESOURCES

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

FEB 05 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	)	AMENDED SPECIAL MASTER'S
	)	REPORT AND RECOMMENDATION
	)	ON MOTION TO SET ASIDE PARTIAL
Case No. 39576	)	DECREE
	)	
	)	WATER RIGHT: 21-111

I. PROCEDURAL BACKGROUND

The SRBA District Court issued a *Partial Decree* for this water right on March 3, 2011. A Scheduling Conference was held on September 5, 2012. At the hearing, North Fork Reservoir Co. made an oral *Motion to Set Aside Partial Decrees* for water rights 21-110, 21-111, and 21-112. The *Motion* asked that these water rights be brought in line with changes to other North Fork Reservoir Co. rights since capacity and elevation descriptions were resolved in other rights.

Presiding Judge Eric Wildman issued an *Order of Reference Appointing Special Master Brigitte Bilyeu* on September 6, 2012. Hearings were held on September 26, 2012, October 31, 2012, and December 19, 2012.

II. FINDINGS OF FACT

An *Amended Director's Report* was filed for these water rights on November 26, 2012. The *Amended Director's Report* was placed on the Docket Sheet. No objections were filed to the *Amended Director's Report*, and the time for filing such objections has now expired.

A *Special Master's Report and Recommendation on Motion to Set Aside Partial Decree* was issued on January 18, 2013. However, the Idaho Department of Water Resources notified the court that the *Special Master's Report and Recommendation* for 21-111 contained an error. The priority date for water right 21-111 was shown as 6/1/~~1987~~, but should be 6/1/~~1987~~. This

Amended Special Master's Report and Recommendation corrects the priority date. No other corrections or changes have been made to the *Amended Special Master's Report and Recommendation* or to the digital boundary map. Therefore, an additional copy of the digital boundary map will not be attached to this *Amended Special Master's Report and Recommendation*.

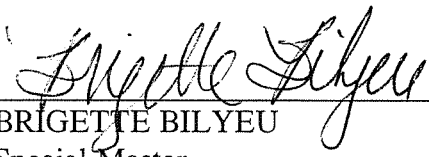
A. Digital Boundary

The place of use for this right is a digital boundary. The digital boundary for the place of use is described on a CD-Rom filed with the court.

III. CONCLUSIONS AND RECOMMENDATIONS

Therefore, based on the file and record herein, IT IS RECOMMENDED that the *Motion to Set Aside Partial Decrees* be **granted** and that these water rights be **decreed** with the elements set forth in the attached *Amended Special Master's Recommendation for Amended Partial Decrees*.

Dated: February 5, 2013.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 05 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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 21-00111

NAME AND ADDRESS: NORTH FORK RESERVOIR CO
C/O RAY W RIGBY SEC
PO BOX 250
REXBURG, ID 83440

SOURCE: JOHNSON CREEK TRIBUTARY: HENRYS LAKE

The rediversion of water from Henrys Lake is limited to those times water is available for diversion under this right from the point of diversion on Johnson Creek.
Point of injection into and point of rediversion from Henrys Lake.

QUANTITY: 2.00 CFS
320.00 AFY

The rights listed below are limited to a total combined annual diversion volume of 79,350 AF. Combined Right Nos.: 21-110, 21-111, 21-112, 21-2154, and 21-12946.
Total reservoir capacity is 90,000 acre feet when filled to elevation 6476.9 and measured at the upstream face of the dam.
Right Nos. 21-110 and 21-111 are limited to a total combined annual diversion volume of 320 AF.

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION: T15N R43E S06 LOT 2 (NWNW) (Injection) Within Fremont County
LOT 2 (NWNW)
S26 LOT 6 (SWNW) (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	320.00 AFY
	Irrigation from Storage	04-01 TO 10-31	320.00 AFY
	Diversion to Storage	05-01 TO 10-31	2.00 CFS

PLACE OF USE:

41098 ACRES TOTAL

Place of use for storage is Henrys Lake, provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at Township 10S, Range 21E, Sections 28 and 29, when determined by the Water District 01 Watermaster as supervised by the Director of the Department of Water Resources, the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

Place of use for irrigation from storage is within the area served by North Fork Reservoir Company which includes Egin Bench Canals Inc., Salem Union Canal Co., and Consolidated Farmers Canal Co., located within Madison and Fremont Counties, Idaho.

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

PLACE OF USE (continued)

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 41,098 acres in a single irrigation season. Combined Right Nos.: 21-110, 21-111, 21-112, 21-2154, 21-2161, 21-12946, 21-12897, 21-12908, 21-12910, 21-12912, 21-12921, 21-12922, 21-12928, 21-12934, 21-12961, 21-12962, 21-12909, 21-12923, 21-12924, 22-428, 22-13342, 22-13343, 22-13344, 22-13347, 22-13349.

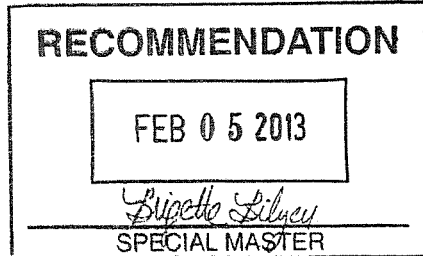
Right Nos. 21-110 and 21-111 are limited to the irrigation of a combined total of 160 acres in a single irrigation season.

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

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FEB 06 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 05 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

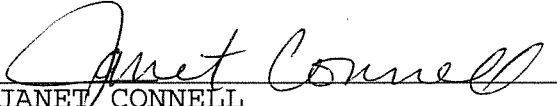
Water Right(s): 21-00111

On February 05, 2013, Special Master BRIGETTE BILYEU
issued a ~~Amended~~ 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 February 05, 2013.


JANET CONNELL
Deputy Clerk

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FEB 06 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 05 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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 21-00111

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ^{AMENDED} 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 February 05, 2013, with sufficient first-class postage prepaid to
the following:

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

NORTH FORK RESERVOIR CO

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

F DAVE RYDALCH

Represented by:
RAY W RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

CERTIFICATE OF MAILING

 PAGE 1
JANET CONNELL 02/05/13
Deputy Clerk