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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JAN - 7 2014	
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 02-83, 02-2033 and 02-2097A
	)	(Indian Cove Irrigation District)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

02-83 and 02-2033

On May 12, 2009, former SRBA Presiding Judge John M. Melanson entered an *Order of Partial Decrees for Irrigation Delivery Entity Using Digital Boundary Description* in water rights 02-83 and 02-2033. On January 11, 2013, Indian Cove filed its *Motion to Set Aside Partial Decrees* in both subcases alleging the overall place of use and service area was incorrectly limited to irrigation of 1,149 acres –the correct irrigable acres should be 1,275 within the service area of the District.

On January 11, 2013, SRBA presiding Judge Eric J. Wildman entered an *Order of Reference Appointing Special Master Terrence A. Dolan* for a recommendation as to the underlying merits of the *Motion* and whether the *Partial Decrees* should be set aside and amended.

02-2097A

On February 19, 2013, Judge Wildman entered an *Order Granting Motion to File Late Notice of Claim* in subcase 02-2097A filed by Indian Cove. IDWR filed its *Director's Report for Late Claims* on June 20, 2013, recommending claim 02-2097A for irrigation of a total of 1,279 acres combined with 02-83 and 02-2033 all within the service area of the District. Indian Cove filed an *Objection* on September 18, 2013, alleging the recommended digital boundary

should be amended. On October 2, 2013, Rivendale LLC filed a *Response* in subcase 02-2097A concerning Indian Cove's *Objection* to place of use.

02-83 and 02-2033

IDWR filed its *Amended Director's Report, Subcase Nos. 02-83 and 02-2033* on August 29, 2013, recommending the water rights for irrigation of a combined total of 1,279 acres within the service area of the District. On September 18, 2013, Indian Cove filed *Objections* alleging the recommended digital boundary should be amended.

SF-5's

On December 16, 2013, Indian Cove and Rivendale, with IDWR's concurrence, filed *Standard Forms 5* agreeing to the digital boundary of the District for water rights 02-83, 02-2033 and 02-2097A.

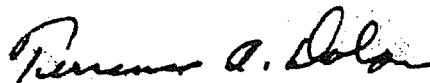
Conclusions of Law

1. Indian Cove has shown good cause to have the *Partial Decrees* in subcases 02-83 and 02-2033 set aside and amended as described in the *SF-5's*; and
2. Indian Cove is entitled to a partial decree adjudicating a water right for claim 02-2097A as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 02-2097A*.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decrees* in subcases 02-83 and 02-2033 set aside and amended as described in the *SF-5's*.

DATED January 7, 2014.



TERRENCE A. DOLAN
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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 02-00083

NAME AND ADDRESS: INDIAN COVE IRRIGATION DIST
27186 JOE BLACK RD
HAMMETT, ID 83627

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 8.97 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 03/15/1935

POINT OF DIVERSION: T06S R08E S06 LOT 4 (NWNW) Within Owyhee County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	8.97 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:

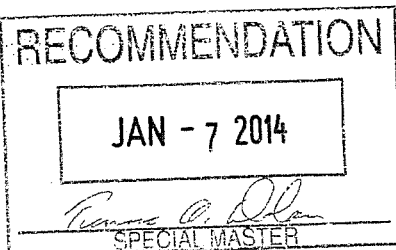
1279 ACRES TOTAL

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.
Right Nos. 2-83 and 2-2033 are limited to the irrigation of 1275
acres within the digital boundary of the Indian Cove Irrigation
District in a single irrigation season.
Right Nos. 2-83, 2-2033 and 2-2097A are limited to the irrigation
of a combined total of 1279 acres in a single irrigation season.
Place of use is within the service area of Indian Cove
Irrigation District.

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

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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).



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 02-02033

NAME AND ADDRESS: INDIAN COVE IRRIGATION DIST
27186 JOE BLACK RD
HAMMETT, ID 83627

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 25.50 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 11/14/1919

POINT OF DIVERSION: T06S R08E S06 LOT 4 (NWNW) Within Owyhee County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	25.50 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:

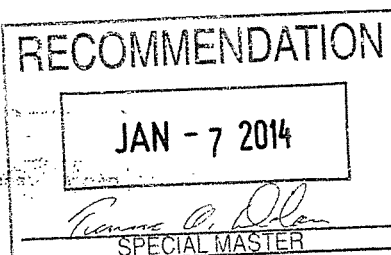
1279 ACRES TOTAL

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.
Right Nos. 2-83, 2-2033 and 2-2097A are limited to the
irrigation of a combined total of 1279 acres in a single
irrigation season.
Right Nos. 2-83 and 2033 are limited to the irrigation of 1275
acres within the digital boundary of the Indian Cove Irrigation
District in single irrigation season.
Place of use is within the service area of Indian Cove
Irrigation District.

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

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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).



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 02-02097A

NAME AND ADDRESS: INDIAN COVE IRRIGATION DIST
27186 JOE BLACK RD
HAMMETT, ID 83627

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.08 CFS

PRIORITY DATE: 06/04/1952

POINT OF DIVERSION: T05S R07E S34 LOT 2 (SWNW) Within Owyhee County
T06S R08E S06 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.08 CFS

PLACE OF USE:

1279 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. Right Nos. 2-83, 2-2033 and 2-2097A are limited to the irrigation of a combined total of 1279 acres in a single irrigation season. This right is limited to the irrigation of 4 acres within the digital boundary of the Indian Cove Irrigation District in a single irrigation season.

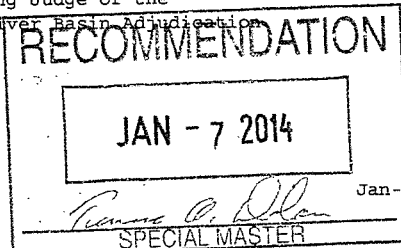
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 02-02097A File Number: 00344

Indian Cove Irrigation District Digital Boundary for 2-83, 2-2033 and 2-2097A



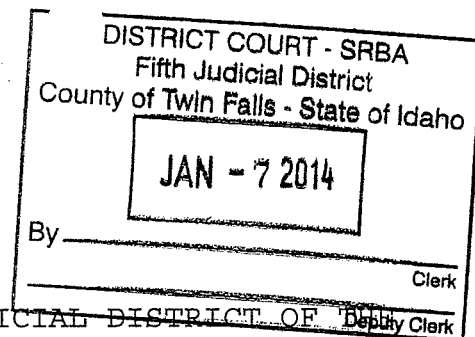
Legend

- Indian Cove Irrigation District Digital Boundary
- Township/Range
- Sections
- QQ

Map prepared by: Carter Fritschle
Idaho Department of Water Resources
October 24, 2013 - 1987 Aerial Photo

Scale: 0 1,625 3,250 6,500 Feet

North Arrow: N, S, E, W



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
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

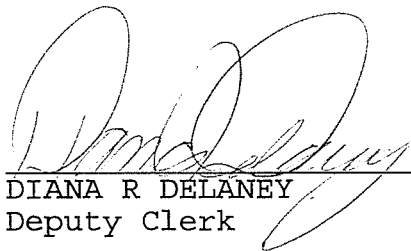
Water Right(s): 02-00083
02-02033 02-02097A

On January 07, 2014, Special Master ERIC J WILDMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

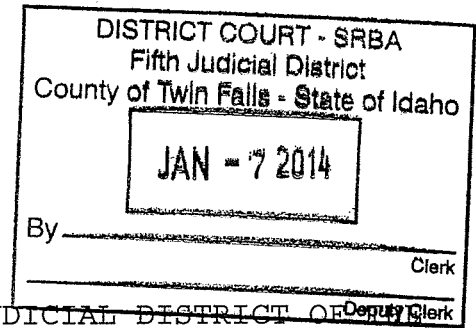
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 07, 2014.



DIANA R DELANEY
Deputy Clerk



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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 02-00083
02-02033 02-02097A

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 07, 2014, with sufficient first-class postage prepaid to the following:

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

RIVENDALE LLC
Represented by:
JOHN M MARSHALL
JOHN M MARSHALL LAW PLLC
575 W BANNOCK ST STE B
BOISE, ID 83702-5917
Phone: 208-991-2701

INDIAN COVE IRRIGATION DIST
Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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01/07/14