

2004 JUN 23 PM 1 49

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
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS: 63-31336 and
	)	63-4629A

I. FINDINGS OF FACT

A notice of claim was filed for 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 or abstract for the elements of these water rights.

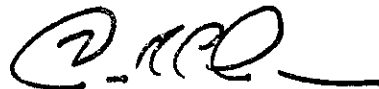
On December 31, 2003, the United States of America, Department of Interior, Bureau of Reclamation filed an objection to the season of use in the above listed subcases. An objection was also filed that same date by the Boise Project Board of Control to the season of use element.

All objections to these water rights were resolved with the filing of a *Standard Form 5*. All parties to the subcase and IDWR signed the *Standard Form's 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Form's 5*, IT IS RECOMMENDED that water rights 63-31336 and 63-4629A be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATE June 23, 2004.



THOMAS R CUSHMAN
Special Master
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

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PLACE OF USE (continued)

	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
S28	NWSE	SWSE
	NWNE	SWNE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
S29	NENE	SENE
	NESE	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32.1 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE

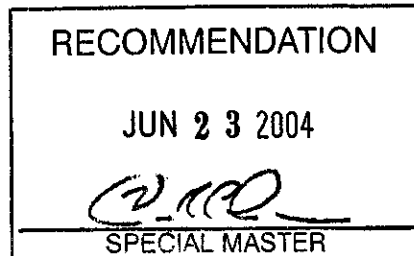
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

DIVERSION OF GROUND WATER AND SURFACE WATER FROM MORES CREEK IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM DAGGETT CREEK AT THE ORIGINAL POINT OF DIVERSION LOCATED IN THE NWSE, S16, T04N, R04E. PRIOR TO DIVERSION OF WATER UNDER TRANSFER NO. 69320, THE WATER RIGHT HOLDER SHALL PROVIDE A LOCATION AND MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPARTMENT FOR MEASURING THE FLOW IN DAGGETT CREEK TO CONFIRM COMPLIANCE WITH THE ABOVE CONDITION. SURFACE WATER DIVERTED FROM MORES CREEK WILL BE TREATED TO DRINKING WATER STANDARDS AND PLACED IN THE SINGLE COMMUNITY PIPELINE NETWORK SUPPLYING THE WILDERNESS RANCH SUBDIVISION. DURING PERIODS WHEN THE FLOW OF WATER TREATED EXCEEDS FLOW DEMAND FOR THE COMMUNITY, TREATED WATER WILL BE INJECTED INTO THE INFILTRATION GALLERIES. TREATED SURFACE WATER INJECTED TO GROUND WATER THROUGH THE INFILTRATION GALLERIES IS CONSIDERED TO BE TOTALLY USED BY THE WATER RIGHT HOLDER. THE VOLUME OF WATER INJECTED TO THE INFILTRATION GALLERIES IS A PORTION OF AND IS COUNTED AGAINST THE 112.4 ACRE-FEET THAT IS AUTHORIZED FOR ANNUAL DIVERSION BY 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.



John M. Melanson
Presiding Judge of the
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
TWIN FALLS CO, IDAHO
FILED *[Signature]*

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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-31336

NAME AND ADDRESS: WILDERNESS RANCH OWNERS ASSOC
46 WILDERNESS RANCH RD
BOISE, ID 83716

SOURCE: MORES CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.12 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-31335 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .50 CFS.

PRIORITY DATE: 07/26/1920

POINT OF DIVERSION: T04N R04E S28 SESW Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.12 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

DIVERSION FOR IRRIGATION UNDER THIS WATER RIGHT PRIOR TO
APRIL 1 AND AFTER OCTOBER 31 SHALL OCCUR ONLY AS AUTHORIZED BY
THE WATER DISTRICT 63 WATERMASTER AND ONLY WHEN WATER IS BEING
RELEASED BY THE UNITED STATES FROM THE LUCKY PEAK DAM OUTLET
UNDER PROCEDURES AND REQUIREMENTS FOR THE MEMORANDUM OF
AGREEMENT BETWEEN THE US DEPARTMENT OF THE ARMY AND THE US
DEPARTMENT OF THE INTERIOR FOR FLOOD CONTROL OPERATIONS OF THE
BOISE RIVER RESERVOIRS, DATED NOVEMBER 20, 1953, THE WATER
CONTROL MANUAL FOR BOISE RIVER RESERVOIR DATED APRIL 1985 AND ANY
FUTURE AMENDMENTS OR REVISIONS MADE THERETO PURSUANT TO STATE OR
FEDERAL PROCEDURES OR LAW; PROVIDED THAT ANY SUCH USE OF THIS
WATER RIGHT PRIOR TO APRIL 1 AND AFTER OCTOBER 31 SHALL BE
SUBORDINATED TO WATER RIGHTS FOR STORAGE IN LUCKY PEAK
RESERVOIR OR LAKE LOWELL AS DECREED IN SRBA CASE NO 39576.

PLACE OF USE: Irrigation Within Boise County
T04N R04E S28 SESW 3.5
3.5 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 63-31335 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 15 ACRES IN A SINGLE
IRRIGATION SEASON.

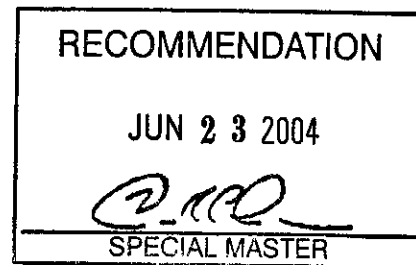
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



DISTRICT COURT-SRBA
TWIN FALLS CO., ID
FILED _____

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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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 63-04629A
63-31336

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 June 23, 2004, with sufficient first-class postage prepaid to the following:

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

BOISE PROJECT BOARD OF CONTROL

Represented by:
ALBERT P. BARKER
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BOISE PROJECT BOARD OF CONTROL

Represented by:
CHESTNUT, AMY D
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CERTIFICATE OF MAILING

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WILDERNESS RANCH OWNERS ASSOC

Represented by:

MICHAEL C. CREAMER

PO BOX 2720

BOISE, ID 83701-2720

Phone: 208-388-1200

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

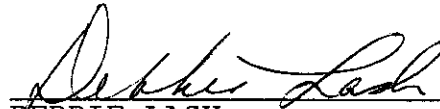
BOISE, ID 83724

WILDERNESS RANCH OWNERS ASSOC

46 WILDERNESS RANCH RD

BOISE, ID 83716

Phone: 208-388-1200



DEBBIE LASH

Deputy Clerk

2004 JUN 23 PM 1 49

In Re SRBA)
)
Case No. 39576)
)
)

Water Right(s): 63-04629A
63-31336


DEBBIE LASH
Deputy Clerk