

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 65-02916

NAME AND ADDRESS: BOULDER IRRIGATION CO
C/O SCHENCK REMSEN
PO BOX 450
MC CALL, ID 83638

SOURCE: LOUIE LAKE TRIBUTARY: LOUIE CREEK

QUANTITY: 361.00 AFY

PRIORITY DATE: 09/16/1925

POINT OF DIVERSION: T18N R04E S33 SENE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation from Storage	04-15 TO 10-15	361.00 AFY
	Irrigation Storage	01-01 TO 12-31	361.00 AFY

PLACE OF USE:

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) (2003) and authorized pursuant to I.C. Section 42-1411 (2) (h) (2003). 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.

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

BASIN 65 GENERAL PROVISIONS NO 3, THE SEPARATE STREAMS GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISIONS NO 3. IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO IDAHO CODE SEC 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY FROM DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN THE EVENT OF INJURY.

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., IDAHO
FILED

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DEPARTMENT OF
WATER RESOURCES

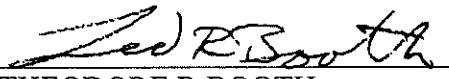
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcases: 91-65; 65-2513, 65-2916,
	)	65-2934C, 65-2943J, 65-2943K,
	)	65-2943P and 65-5678
Case No. 39576	)	
	)	SPECIAL MASTER'S
	)	RECOMMENDATION RE: MOTION
	)	TO AMEND PARTIAL DECREE
_____	)	

On March 23, 2006, the claimants of the above-captioned water rights, by and through their attorney of record Brian L McMahan, filed a *Motion to Amend Partial Decrees*. The *Motion* is based upon the telephonic status conference held on March 7, 2006, and the ***Order Designating Subcase Number; Order setting Deadlines; Order Regarding Additional Investigation by IDWR; Order Setting Status Conference*** issued subsequent thereto on March 17, 2006.

Based upon the contents of the *Motion* and upon the court's files and record herein, and good cause appearing, it is RECOMMENDED that the *Motion* be granted and Amended Partial Decrees be issued for water rights 65-2513, 65-2916, 65-2934C, 65-2943J, 65-2943K, 65-2943P and 65-5678 as set forth in the attached recommendations for Amended Partial Decrees pursuant to I.R.C.P. 54(b).¹

Dated March 27, 2006.


THEODORE R BOOTH
Special Master
Snake River Basin Adjudication

¹ It will also be the recommendation of this Special Master that the above listed water rights be added to the list of water right under Basin 65 General Provision No. 3.

CERTIFICATE OF MAILING

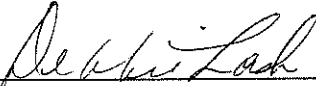
I certify that a true and correct copy of the **SPECIAL MASTER'S RECOMMENDATION RE: MOTION TO AMEND PARTIAL DECREE** was mailed March 27, 2006, with sufficient first class mail to the following:

IDWR
P O Box 83720
Boise, Idaho 83720-0098

State of Idaho
Office of the Attorney General
P O Box 444449
Boise Idaho 83711-4449

United State Department of Justice
550 West Fort Street, MSC 033
Boise Idaho 83724

Brian McMahan
P O Box 1066
McCall, Idaho 83638


Deputy Clerk