

RECEIVED

OCT 10 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2007 OCT 4 PM 4 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

Case No. 39576

) SPECIAL MASTER'S REPORT

)

) FINDINGS OF FACT AND

) CONCLUSIONS OF LAW

)

) FOR WATER RIGHT 63-00149A

I. FINDINGS OF FACT

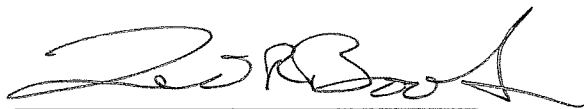
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On April 21, 2006, objections were filed to the *Director's Report* by the United States of America, Department of Interior, Bureau of Reclamation, and by the City of Boise Public Works Department. On July 31, 2007, the parties to the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-00149A be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Oct. 5, 2007



Theodore R. Booth
Special Master
Snake River Basin Adjudication

CT. OF THE DISTRICT COURT - SRBA
FALLS TWIN FALLS CO., IDAHO
FILED

2007 OCT 4 PM 4 49

QUANTITY: 40.00 CFS

PAGE 1
Oct-04-2007

PLACE OF USE (continued)

S15	SESW	NESW
	NESE	NWSE
	SESE	
S23	NENE	NWNE
	NENW	NWNW
S24 LOT 6	(SWNE)	LOT 8 (NENW)
	NWNW	LOT 7 (SESW)
LOT 4	(NESE)	LOT 5 (NWSE)
LOT 4	(SESE)	
R03E S19 LOT 6	(SWSW)	

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

IF MEASURED OR CALCULATED BOISE RIVER FLOWS AT THE POINT OF DIVERSION ARE LESS THAN 240 CFS DURING NOVEMBER 15 TO MARCH 1, THE DIVERSION OF WATER UNDER THIS RIGHT SHALL BE LIMITED TO 10 CFS. MEASURED OR CALCULATED BOISE RIVER FLOWS AT THE POINT OF DIVERSION SHALL BE BASED ON GAUGED LUCKY PEAK DAM DISCHARGE MINUS THE GAUGED DIVERSION TO THE NEW YORK CANAL.

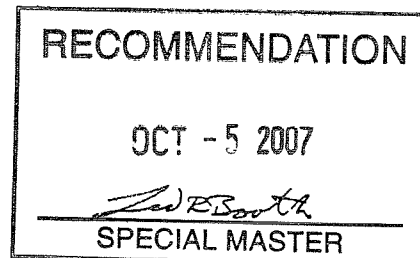
THIS RIGHT IS SUBORDINATE TO THE STORAGE OF WATER IN ARROWROCK RESERVOIR, ANDERSON RANCH RESERVOIR, LUCKY PEAK RESERVOIR AND LAKE LOWELL AND IS ALSO SUBORDINATE TO UPSTREAM IRRIGATION DIVERSIONS FROM THE BOISE RIVER.

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



2007 OCT 4 PM 4 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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

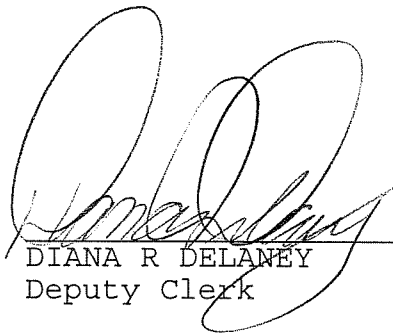
Water Right(s): 63-00149A

On October 05, 2007, Special Master THEODORE R. BOOTH 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 October 05, 2007.



DIANA R DELANEY
Deputy Clerk

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

2007 OCT 4 PM 4 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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-00149A

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 October 05, 2007, with sufficient first-class postage prepaid to the following:

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

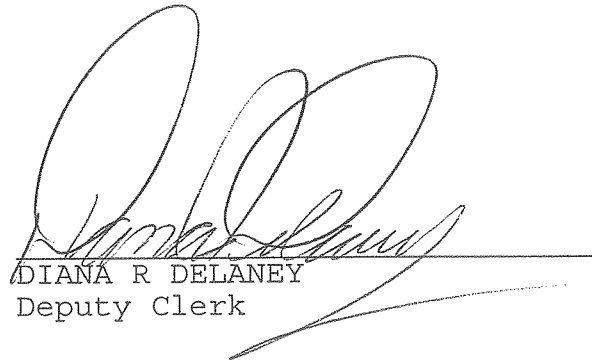
CITY OF BOISE PUBLIC WORKS
Represented by:
MATTHEW K. WILDE
PO BOX 500
BOISE, ID 83701-0500
Phone: 208-384-3870

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
10/04/07

SOUTH BOISE WATER CO
C/O BARRY ESCHEN PRESIDENT
PO BOX 6005
BOISE, ID 83707
Phone: 208-336-5508



DIANA R DELANEY
Deputy Clerk