

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
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 17 2009

By _____ Clerk
Deputy Clerk

In Re SRBA)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 63-00228

NAME AND ADDRESS: RIVERSIDE IRRIGATION DIST LTD
PO BOX 1080
PARMA, ID 83660

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 20.00 CFS

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 10/01/1899

Pursuant to a call in times of scarcity, this right is senior to Right No. 63-297 and any future splits of that right.

POINT OF DIVERSION: T04N R03W S10 SESW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	20.00 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE of the SE of the SE, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, 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, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

This right when combined with Right Nos. 63-226, 63-227, 63-229, 63-299, 63-300, 63-2279, 63-2374, 63-2389, 63-4007, 63-4008, and 63-4010 can be used to irrigate up to 10158 acres within the boundary of the Riverside Irrigation District. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section

PLACE OF USE (continued)

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. Place of use includes the irrigation of 4252 acres within the State of Oregon.

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

This right is designated as No. 130 in the Stewart Decree and the Boise Water Distribution Report.

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

RECOMMENDATION

AUG 17 2009

Red B. Booth
SPECIAL MASTER

RECEIVED
AUG 18 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 17 2009	
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	) SPECIAL MASTER'S REPORT
	)
Case No. 39576	) FINDINGS OF FACT AND
	) CONCLUSIONS OF LAW
	)
	) FOR WATER RIGHTS 63-00226,
	) 63-00227, 63-00228, 63-00229, 63-00299,
	) 63-0300, 63-02279, 63-02374, 63-02389,
	) 63-04007, 63-04008, and 63-04010

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights 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 these water rights.

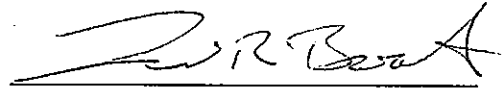
On June 19, 2007, Ray Obendorf, through his attorney Dana L. Hofstetter, filed an objection to the *Director's Report*. On May 1, 2009, Ray Obendorf withdrew his objections. On June 19, 2007, the claimant of these water rights, the Riverside Irrigation District, filed objections to the *Director's Report* for water rights 63-04007 and 63-04010. On May 27, 2009, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in subcases 63-04007 and 63-04010, which resolved the claimant's objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-00226, 63-00227, 63-00228, 63-00229, 63-00299, 63-0300, 63-02279, 63-02374, 63-02389, 63-04007, 63-04008, and 63-04010 be decreed with the

elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Aug 17, 2009



Theodore R. Booth
Special Master
Snake River Basin Adjudication



The Riverside Irrigation Dist Ltd

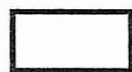
SRBA Recommendations: 63-226, 63-227, 63-228, 63-229, 63-299, 63-300, 63-2279, 63-2374, 63-2389, 63-4007, 63-4008, 63-4010

DEC 19 2006

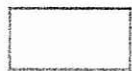
Service Area Boundary
GIS Place of Use Illustration

Legend

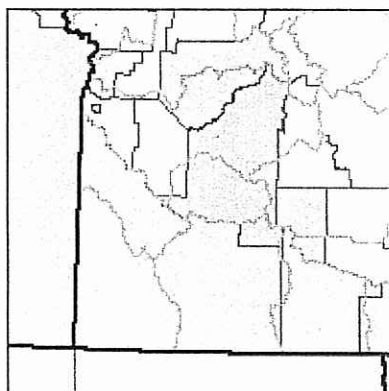
Service Area



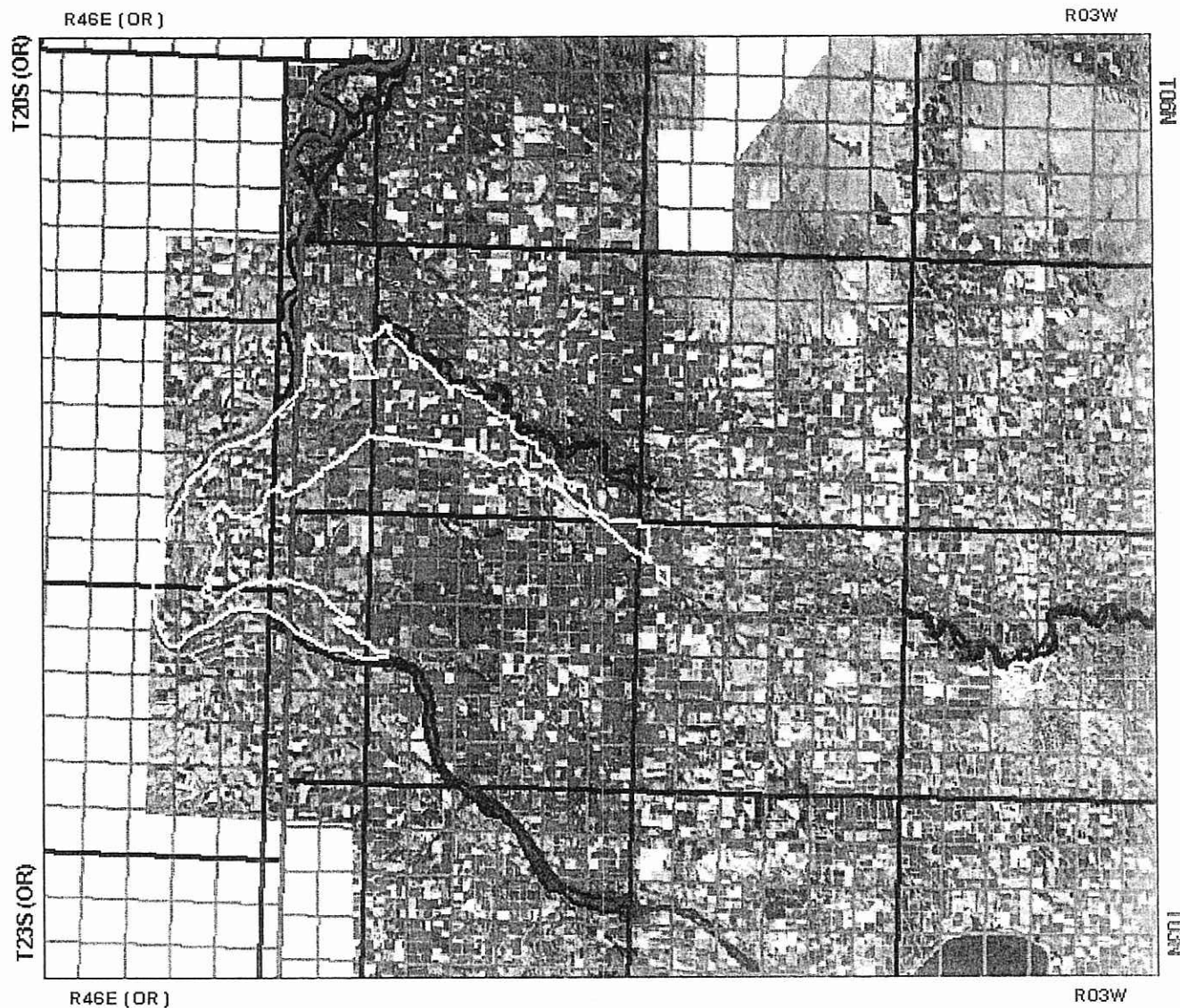
Townships



PLS Sections

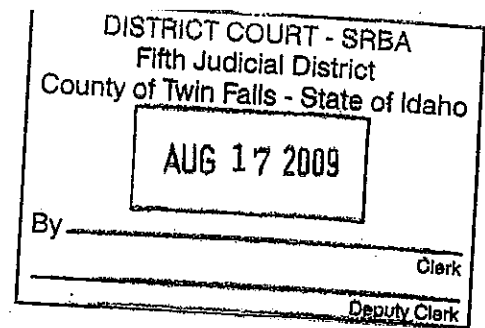


Payette, Canyon, Owyhee Counties
IDWR Basin 63



0 8 16 Miles

Prepared by D. Favreau
On Saturday, December 16, 2006
1987/88 Aerial Photography



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) : 63-00226
(SEE ATTACHED EXHIBIT A)

On August 17, 2009, 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 August 17, 2009.

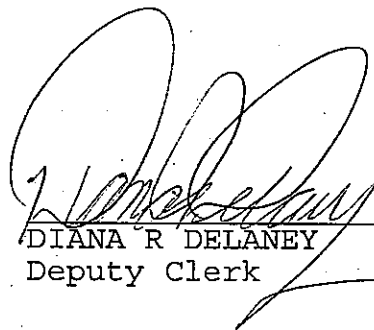
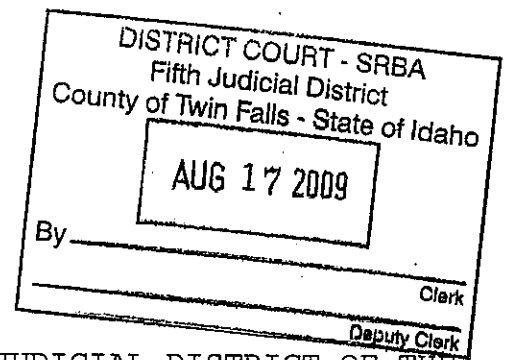

DIANA R DELANEY
Deputy Clerk

Exhibit A

Subcase Nos:

63-00226
63-00227
63-00228
63-00229
63-00299
63-00300
63-02279
63-02374
63-02389
63-04007
63-04008
63-04010



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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-00226
(SEE ATTACHED EXHIBIT A)

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 August 17, 2009, with sufficient first-class postage prepaid to the following:

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

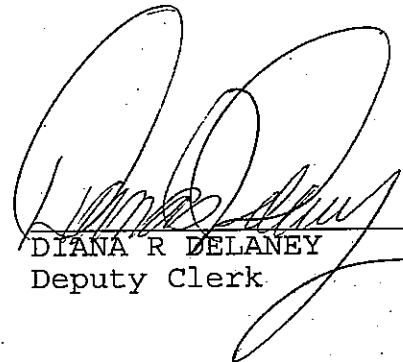
CERTIFICATE OF MAILING

PAGE 1
08/17/09

RIVERSIDE IRRIGATION DIST LTD
RIVERSIDE IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

RAY OBENDORF
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800



DIANA R DELANEY
Deputy Clerk

Exhibit A

Subcase Nos:

63-00226
63-00227
63-00228
63-00229
63-00299
63-00300
63-02279
63-02374
63-02389
63-04007
63-04008
63-04010