

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 16 2010

By _____ Clerk

Deputy Clerk

In Re SRBA) **SPECIAL MASTER'S REPORT**
)
Case No. 39576) **FINDINGS OF FACT AND**
) **CONCLUSIONS OF LAW**
)
) **FOR WATER RIGHTS 63-12461**
) **and 63-12470**

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.

Page 1 of 1

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 63-12470

NAME AND ADDRESS: CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE, ID 83701-0500

SOURCE: GROUND WATER

QUANTITY: 7.32 CFS
1647.00 AFY

This right when combined with all other rights shall provide no
more than 0.02 cfs per acre nor more than 4.5 afa per acre at the
field headgate for irrigation.

Rights 63-12461 and 63-12470 when combined shall not exceed a
total diversion rate of 9.80 cfs, a total annual maximum
diversion volume of 2317.6 af at the field headgate.

PRIORITY DATE: 09/09/1998

POINT OF DIVERSION: T01N R01E S23 SESW Within Ada County
 S24 SWSW
 S25 SENW
 SESW
 NWSE
 S27 NWSW
 S33 NENE
 S34 SWNE
 NWNW
 S35 NENW
 NWNW
 S36 NENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	7.32 CFS 1647.00 AFY

PLACE OF USE:	Irrigation	Within Ada County
	T01N R01E S23	NESW 30.0 NWSW 35.0
		SWSW 40.0 SESW 40.0
		NESE 31.0 NWSE 33.0
		SWSE 40.0 SESE 40.0
	S24	NESW 32.0 NWSW 33.0
		SWSW 40.0 SESW 33.0
	S25	NENE 40.0 NWNE 40.0
		SWNE 40.0 SENE 40.0
		NENW 40.0 NWNW 40.0
		SWNW 40.0 SENW 40.0
		NESW 40.0 NWSW 40.0
		SWSW 40.0 SESW 40.0
		NESE 40.0 NWSE 40.0
		SWSE 40.0 SESE 15.0
	S26	NENE 40.0 NWNE 40.0
		SWNE 40.0 SENE 40.0
		NENW 40.0 NWNW 40.0
		SWNW 40.0 SENW 40.0
		NESW 40.0 NWSW 40.0
		SWSW 40.0 SESW 40.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S27	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 32.0	NWNW 32.0
	SWNW 36.0	SENW 40.0
	NESW 8.0	NWSW 2.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S33	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	SENW 40.0
S34	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S35	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 39.0	NWSW 39.0
	SWSW 30.0	SESW 31.0
	NESE 39.0	NWSE 40.0
S36	NENE 32.0	NWNE 37.0
	SWNE 3.0	SENE 27.0
	NENW 40.0	NWNW 40.0
	SWNW 17.0	SENW 10.0
3776.0 Acres Total		

This right is limited to the irrigation of 366 acres within the place of use described above in a single irrigation season. Right Nos. 63-12461 and 63-12470 are limited to the irrigation of a combined total of 595 acres in a single irrigation season.

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

To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes

Right #	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
2-2268B	Irrigation	9.8	2317.6	579

The land that will no longer be irrigated under this right is located within the W 1/2 NE, W 1/2 SE and SW 1/4, Section 20 and W 1/2 NE, N 1/2 SW, and NW 1/4, Section 29, Township 07S, Range 13E B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this water right shall be reduced by the same proportion as the reduction to the mitigation rights.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

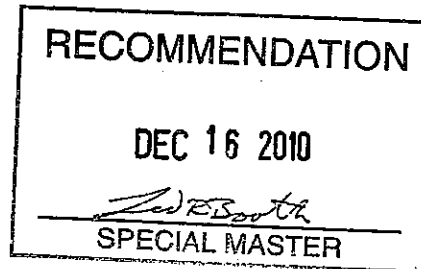
OTHER PROVISIONS (continued)

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



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 63-12461

NAME AND ADDRESS: CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE, ID 83701-0500

SOURCE: GROUND WATER

QUANTITY: 4.58 CFS
1030.50 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation.
Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate.

PRIORITY DATE: 07/22/1998

POINT OF DIVERSION:	T01N R01E S23	SESW	Within Ada County
	S24	SWSW	
	S25	SESW	
		SESW	
		NWSE	
	S27	NWSW	
	S33	NENE	
	S34	SWNE	
		NWNW	
	S35	NENW	
		NWNW	
	S36	NENE	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	4.58 CFS
			1030.50 AFY

PLACE OF USE:	Irrigation		Within Ada County
	T01N R01E S23	NESW 30.0	NWSW 35.0
		SWSW 40.0	SESW 40.0
		NESE 31.0	NWSE 33.0
		SWSE 40.0	SESE 40.0
	S24	NESW 32.0	NWSW 33.0
		SWSW 40.0	SESW 33.0
	S25	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 15.0
	S26	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S27	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 32.0	NWNW 32.0
	SWNW 36.0	SENW 40.0
	NESW 8.0	NWSW 2.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S33	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	SENW 40.0
S34	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S35	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 39.0	NWSW 39.0
	SWSW 30.0	SESW 31.0
	NESE 39.0	NWSE 40.0
S36	NENE 32.0	NWNE 37.0
	SWNE 3.0	SENE 27.0
	NENW 40.0	NWNW 40.0
	SWNW 17.0	SENW 10.0
3776.0 Acres Total		

This right is limited to the irrigation of 229 acres within the place of use described above in a single irrigation season. Right Nos. 63-12461 and 63-12470 are limited to the irrigation of a combined total of 595 acres in a single irrigation season.

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

To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes

Right #	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
2-2268B	Irrigation	9.8	2317.6	579

The land that will no longer be irrigated under this right is located within the W 1/2 NE, W 1/2 SE and SW 1/4, Section 20 and W 1/2 NE, N 1/2 SW, and NW 1/4, Section 29, Township 07S, Range 13E B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this water right shall be reduced by the same proportion as the reduction to the mitigation rights.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

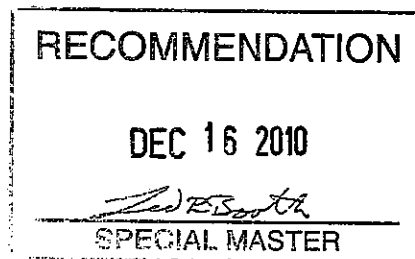
OTHER PROVISIONS (continued)

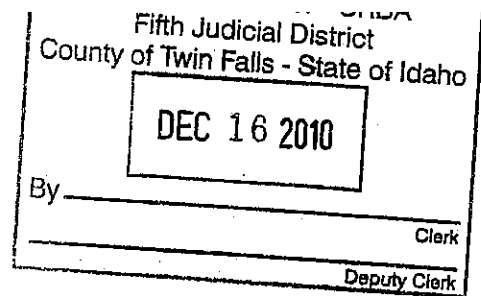
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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





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

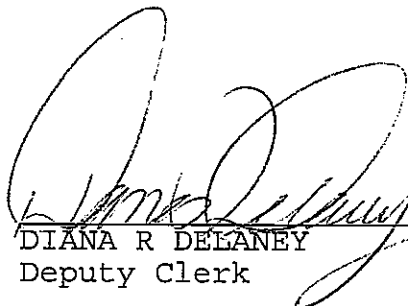
Water Right(s): 63-12461
63-12470

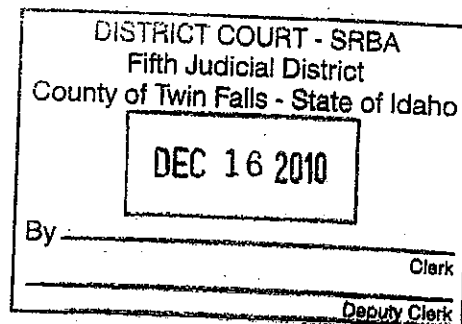
On December 16, 2010, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 December 16, 2010.


DIANA R DELANEY
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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 63-12461
63-12470

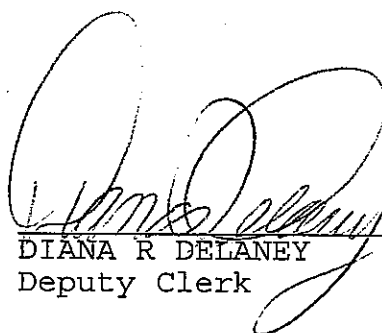
CERTIFICATE OF MAILING

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 December 16, 2010, with sufficient first-class postage prepaid to the following:

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

CITY OF BOISE

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


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
12/16/10