

RECEIVED

APR 01 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 27 2013	
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 RIGHT 63-29716

I. FINDINGS OF FACT

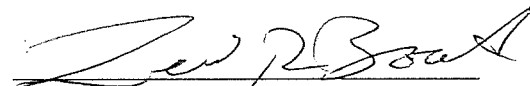
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) filed *Director's Report* which contained an abstract of the claimed elements of this federal-law based water right.

Objections were filed by the Boise Warm Springs Water District and the State of Idaho. On February 21, 2013, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objections. 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 63-29716 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Mar 27, 2013


Theodore R. Booth
Special Master
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 63-29716

NAME AND ADDRESS: UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
US GEOLOGICAL SURVEY
230 COLLINS ROAD
BOISE, ID 83702-5420

SOURCE: GROUND WATER

QUANTITY: 0.12 CFS
1.50 AFY

PRIORITY DATE: 10/21/1980

POINT OF DIVERSION: T03N R02E S11 NENW Within Ada County

POINT OF DIVERSION: FUTURE USE, NO EXISTING DIVERSION
FACILITIES. DIVERSIONS WILL BE MADE ONLY WITHIN THAT PORTION OF
THE FORT BOISE RESERVATION SET FORTH IN THE ACT OF OCTOBER 21,
1980, PUB L. 96-479, SECTION 8, 94 STAT. 2305, 2310.

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Heating	01-01 TO 12-31	0.12 CFS
			1.50 AFY

PLACE OF USE: Heating Within Ada County
T03N R02E S11 NENW NWNW

NO EXISTING PLACES OF USE. FUTURE PLACE OF USE WILL BE ONLY
WITHIN THAT PORTION OF THE FORT BOISE RESERVATION SET FORTH IN
THE ACT OF OCTOBER 21, 1980, PUB L. NO. 96-479, SECTION 8, 94
STAT. 2305, 2310.

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

1. ACT OF OCTOBER 21, 1980, PUB L. NO. 96-479, SECTION 8, 94
STAT. 2305, 2310 SETS FORTH THE FOLLOWING: "THE SECRETARY OF THE
INTERIOR, THROUGH THE BUREAU OF LAND MANAGEMENT, IS AUTHORIZED
TO UTILIZE GEOTHERMAL RESOURCES FOUND UNDER THE PARCEL KNOWN AS
THE BOISE DISTRICT OFFICE SITE, DESCRIBED AS COMMENCING AT THE
SOUTHWEST CORNER OF THE OLD FORT BOISE MILITARY RESERVATION,
THENCE NORTH 70 DEGREES 0 MINUTES EAST, 1,448.2 FEET; THENCE
NORTH 4 DEGREES 32 MINUTES EAST, 627 FEET TO THE TRUE POINT OF
BEGINNING; THENCE THE FOLLOWING COURSES AND DISTANCES: SOUTH 87
DEGREES MINUTES WEST, 696.5 FEET; THENCE NORTH 21 DEGREES 2
MINUTES WEST, 532 FEET; THENCE SOUTH 69 DEGREES 4 MINUTES WEST,
21.9 FEET; THENCE NORTH 22 DEGREES 40 MINUTES WEST, 86.3 FEET;
THENCE NORTH 84 DEGREES 50 MINUTES EAST, 993.6 FEET; THENCE SOUTH
4 DEGREES 32 MINUTES WEST, 624.95 FEET TO THE POINT OF BEGINNING;
CONSISTING OF 11.53 ACRES, MORE OR LESS, CONTAINED IN SECTION 11,
TOWNSHIP 3 NORTH, RANGE 2 EAST, BOISE MERIDIAN, IDAHO."
2. THIS WATER IS FOR USE WITHIN THAT PORTION OF THE FORT BOISE
RESERVATION SET FORTH IN ACT OF OCTOBER 21, 1980, PUB L.
NO. 96-479, SECTION 8 STAT. 2305, 2310.
3. ALL WATER DIVERTED PURSUANT TO THIS WATER RIGHT IS TO BE
REINJECTED INTO THE GEOTHERMAL AQUIFER FROM WHICH IT IS DIVERTED.
4. Upon specific notification by the Department, the right
holder shall (a) install and maintain acceptable measuring

OTHER PROVISIONS (continued)

device(s), including data logger(s), temperature gauge(s), and totalizing fluid meter(s), at the authorized point(s) of diversion and reinjection in accordance with Department specifications; (b) report measuring information to the Department upon its request; and (c) contribute a reasonable pro-rata share of costs for periodic updating of the Idaho Water Resources Research Institute, University of Idaho, Boise Front Low Temperature Geothermal Resource Management Area aquifer computer model or its successor. This condition will not be construed to obligate the expenditure of funds by any public agency beyond the amounts available to the agency for such purposes through lawful authorization and appropriation.

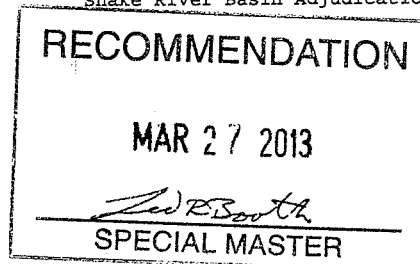
This water right is based upon federal law.

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

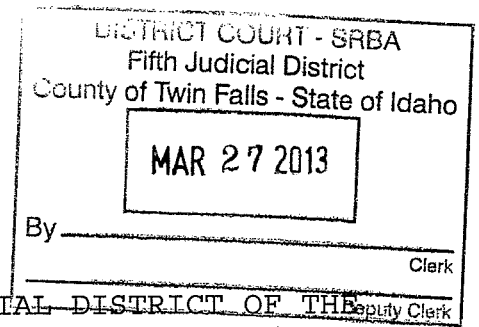
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication



2013 MAR 27

2013 MAR 27



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

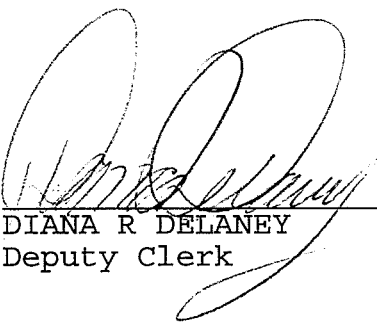
Water Right(s): 63-29716

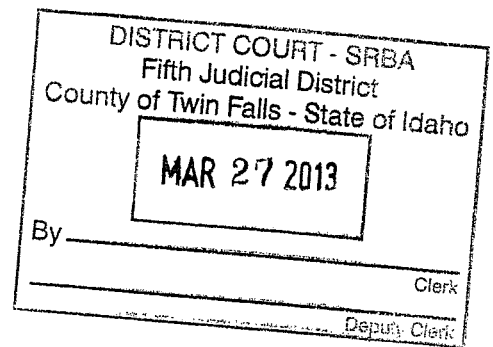
On March 27, 2013, Special Master THEODORE R. BOOTH
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 March 27, 2013.


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): 63-29716

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 March 27, 2013, with sufficient first-class postage prepaid to the following:

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

BOISE WARM SPRINGS WATER DIST

Represented by:
BRUCE M. SMITH
950 W BANNOCK ST STE 520
BOISE, ID 83702-6118
Phone: 208-331-1800

THE TERTELING CO INC

Represented by:
CHARLES L HONSINGER
HONSINGER LAW PLLC
PO BOX 517
BOISE, ID 83701-0517

CERTIFICATE OF MAILING

PAGE 1
03/27/13

STATE OF IDAHO

Represented by:

CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO

PO BOX 44449

BOISE, ID 83711-0449

Phone: 208-334-2400

EDWARDS FAMILY LLC

Represented by:

DANA L HOFSTETTER

608 W FRANKLIN ST

BOISE, ID 83702-5509

Phone: 208-424-7800

CITY OF BOISE

Represented by:

ROBERT A. MAYNARD

PERKINS COIE LLP

1111 W JEFFERSON ST STE 500

BOISE, ID 83702-5391

Phone: 208-343-3434

UNITED STATES OF AMERICA

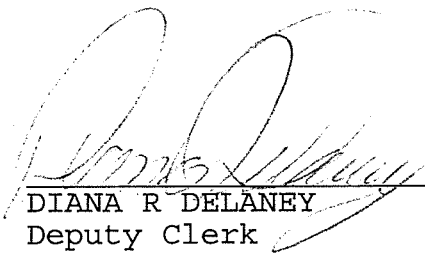
Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724



DIANA R DELANEY
Deputy Clerk