

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

AMENDED

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MAR 30 2017

DEPARTMENT OF
WATER RESOURCES

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

MAR 29 2017

By

Clerk

Deputy Clerk

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 01-10043

NAME AND ADDRESS: UNITED STATES OF AMERICA
BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3100
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 259600.00 AFY

Total reservoir active capacity is 1,200,000 acre feet when
filled to elevation 5620 and measured at the upstream face of
the dam.

Water right nos. 01-2068, 01-10043, 01-10621A and 01-10621B are
limited to the total combined annual diversion volume necessary
to allocate a total of 1,200,000 acre-feet of irrigation storage
water per year to the consumers or users of the irrigation
storage water.

PRIORITY DATE: 07/28/1939

The United States, after consultation with the Watermaster and
the Water District 1 Advisory Committee, may release stored water
from Jackson Lake and Palisades reservoirs for the maintenance of
power production at Palisades Dam powerplant and may store such
water in American Falls Reservoir. The release of such water
will be confined, however, when it appears to the Secretary that
American Falls, Palisades, and Jackson Lake reservoirs will fail
to fill, to not more than 1,000 cfs for minimum firm power
production and that amount which can be stored in American Falls
Reservoir; and no such release shall be made that will preclude
the later delivery of water, by exchange or otherwise, to the
upper valley entities entitled thereto. "Upper valley entities"
shall mean those reservoir spaceholders diverting from the Snake
River and its tributaries above American Falls Dam.

The storage of water under this right shall be administered
with a priority date of 03/29/1921.

POINT OF DIVERSION: T01S R45E S17 SENE Within Bonneville County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	259600.00 AFY
	Irrigation from Storage	03-15 TO 11-15	259600.00 AFY
	Power Storage	01-01 TO 12-31	259600.00 AFY
	Power from Storage	01-01 TO 12-31	259600.00 AFY

PLACE OF USE:

Place of use for storage is Palisades Reservoir, provided,
however, that water under this right may be temporarily held in
the unoccupied space of any of the reservoirs upstream of Milner
Dam, located at township 10S, range 21E, sections 28 and 29, when
determined by the Water District 01 Watermaster (as supervised by
the Director of the Department of Water Resources), the Water
District 01 advisory committee, and the United States Bureau of
Reclamation that such temporary storage will maximize the storage
of water upstream of Milner Dam.

Place of use for irrigation from storage is within the

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

PLACE OF USE (continued):

following counties: Fremont, Madison, Jefferson, Bonneville, Bingham, Bannock, Power, Minidoka, Cassia, Lincoln, Jerome, Twin Falls, Gooding, Teton, and Elmore.

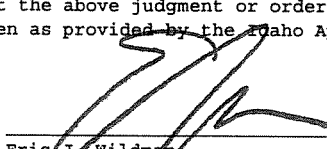
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

1. The name of the United States of America acting through the Bureau of Reclamation appears in the name and address sections of this partial decree. However, as a matter of Idaho Constitutional and Statutory law, title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.
2. The allocation of storage to federal contractors and the location of that storage, including carryover storage, in the reservoir system shall be determined by the United States Bureau of Reclamation pursuant to federal reclamation law and contracts entered into between the United States and federal contractors. The Water District 01 Watermaster (as supervised by the Director of the Department of Water Resources) shall distribute the stored water in accordance with allocation instructions from the United States Bureau of Reclamation. "Reservoir system" shall mean all Federal reservoirs on the Snake River and its tributaries down to and including Lake Walcott, which store water for distribution pursuant to water right nos. 1-219, 1-2064, 1-2068, 1-4055, 1-10042, 1-10043, 1-10044, 1-10045, 01-10620, 01-10621A, 01-10621B, 01-10622, 01-10623, 21-2156, 21-4155, 21-10560, 21-13161, 21-13194, 25-7004, 25-14413A, and 25-14413B.
3. 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. Section 42-1412(6), Idaho Code.
4. This decree does not alter, amend, or modify the contracts entered into between various federal contractors and the United States Bureau of Reclamation, as amended, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.

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