

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

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

Water Right 25-14413B

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

APR 22 2015

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

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

SOURCE:

WILLOW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY:

12000.00 AFY

Water right nos. 25-7004, 25-14413A and 25-14413B are limited to the combined total annual diversion volume necessary to allocate a total of 80,500 acre-feet of irrigation storage water per year to the consumers or users of the irrigation storage water. Water will not accrue towards the satisfaction of this water right until the United States of America, acting through the Bureau of Reclamation, has notified the Water District 01 Watermaster of the calendar date on which it intends to store water pursuant to this water right. Following initial notification, the United States can provide notification directing the Water District 01 Watermaster to stop and start the accrual of water pursuant to this water right, until the water right has been satisfied. All notification must be in writing. Each notification must identify a specific calendar date on which administrative action should occur. The identified calendar date cannot predate the date of written notification. This water right is limited to the total space evacuated for flood control operations as determined by the Water District 01 Watermaster, prior to the date of final storage allocation not to exceed 12,000 acre-feet. 'Local flood control operations' are reservoir flood control operations in accordance with the Act of September 30, 1950, Public Law 81-865, 64 Stat. 1083-85, as amended or supplemented, and the operating plan for Ririe Reservoir as it may be revised pursuant to the foregoing laws. The watermaster's determination of the space evacuated for flood control is made for the purpose of determining the distribution of natural flow to this water right in accordance with state law. The watermaster's determination shall not bind the United States, nor have any effect on the United States' determinations, authority, or discretion under federal law in operating this reservoir for local flood control purposes.

PRIORITY DATE:

01/03/1982

POINT OF DIVERSION:

T03N R40E S22

NWNW

Within Bonneville County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

Irrigation Storage

PERIOD OF USE

03-15 TO 07-31

QUANTITY

12000.00 AFY

Water accruing to this water right supplements water accrued under water right no. 25-7004, and water available under this water right will be allocated for end use as provided in contracts entered into between the United States and federal contractors referenced in provision 2 as if it had accrued under water right no. 25-7004.

PLACE OF USE:

PLACE OF USE (continued)

Place of use is on those lands identified under water right no. 25-7004.

Place of use for storage is Ririe Reservoir, provided, however, that water under this right may be temporarily held in 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.

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 the 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, 1-10620, 1-10621A, 1-10621B, 1-10622, 1-10623, 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 ultimately be determined by the Court as a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. The operation, use and administration of this water right is subject to the terms and conditions of the Settlement Agreement signed on February 14, 2006 with Minidoka Irrigation District, Burley Irrigation District, Twin Falls Canal Company, North Side Canal Company and American Falls Reservoir District #2.
5. This decree does not alter, amend, or modify the contracts entered into between the various federal contractors and the United States Bureau of Reclamation, as amended, including but not limited to the contractual storage exchanges, in connection with the Palisades project and the Minidoka project, which contracts remain binding among the parties.
6. Combined use limit amongst 01-10621B and 25-14413B not to exceed 1,043,298 acre-feet.
7. For surface water right administration this water right is

OTHER PROVISIONS (continued)

subordinate to all water rights permitted, licensed, or decreed prior to May 1, 2014 that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right. The administration of this water right and ground water rights is addressed in Provision 8 below.

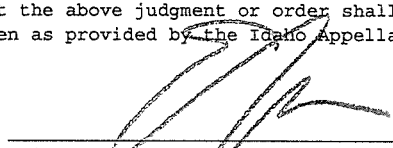
8. For conjunctive administration this water right shall not be used as the basis for a water right delivery call, nor shall it be the basis for a defense to a water right delivery call; provided, the Director of IDWR may consider the effect of Provision 7 above on the total supply of water available to the calling party. Further, this water right shall not be construed as an admission or waiver of any available claims or defenses related to the conjunctive administration of water right nos. 01-2068, 01-4055, 01-10043, 01-10044, and 01-10045.

9. The exercise and administration of this water right is subject to the terms and conditions of the Stipulation effective XX/XX, 2014, which is incorporated herein by reference.

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. Waddman
Presiding Judge of the
Snake River Basin Adjudication