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MAY 01 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 30 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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	Subcase No. 63-29716
	)	(USDI / US Geological Survey)
_____	)	

On March 27, 2013, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED April 30, 2013.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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DEPARTMENT OF
WATER RESOURCES

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 63-29716

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

APR 30 2013

By _____

Clerk
Deputy Clerk

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 T03N R02E S11 NENW Within Ada County 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)

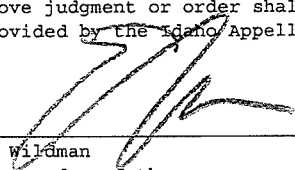
device(s), including data logger(s), temperature gauge(s), and totalizing fluid meter(s), at the authorized point(s) of diversion and reinjection in accordance with Department specifications; (b) report measuring information to the Department upon its request; and (c) contribute a reasonable pro-rata 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 APR 30 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s): 63-29716

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 63-29716 was mailed
on April 30, 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

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

JULIE MURPHY
Chief Deputy Clerk