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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
MAY - 1 2012
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. 37-00082** |
| | ) | **(Idaho Foundation for Parks & Lands Inc. /** |
| | ) | **Lane Ranch Homeowners Assn. Inc.)** |

On March 16, 2012, 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 May 1, 2012.

ERIC J. WILDMAN
Presiding Judge
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 37-00082 |

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
MAY - 1 2012
By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: IDAHO FOUNDATION FOR
PARKS & LANDS INC
5657 WARM SPRINGS AVE
BOISE, ID 83716-8700

LANE RANCH HOMEOWNERS ASSN INC
C/O SUSAN MCBRYANT, MANAGER
PO BOX 1675
SUN VALLEY, ID 83353

SOURCE: ELKHORN CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.20 CFS

The amount of water under Right Nos. 37-81, 37-82 and 37-2635 to be discharged to the river as measured at a point below the pond in the SENE S30, T04N, R18E shall equal the amount approved for aesthetic, recreation and wildlife purposes, less a reasonable loss as determined by the director or watermaster.
Water consumed under Transfer No. 3881 by diverting water for wildlife, aesthetic and recreation uses shall not exceed 3.3 acre feet from evaporation.
The total volume of water authorized for diversion and use pursuant to right nos. 37-82, 37-2635, 37-4016 and 37-7201 is limited to 315 acre feet. The volumetric limitation shall not begin to accrue, however, until: 1) All rights on Elkhorn Creek cannot be satisfied by the watermaster of Water District 37, Big Wood River, and 2) The owner of the rights approved by Transfer No. 3609 demands release of water from upstream users.
Right nos. 37-2635, 37-00081 and 37-00082, when combined, shall not exceed a total flow rate of 0.71 cubic feet per second nor an annual volume of 69.9 acre feet for irrigation purposes.
The total combined storage volume to be stored for wildlife, recreation and aesthetic uses under Rights 37-81, 37-82 and 37-2635 is 2.2 acre-feet.

PRIORITY DATE: 06/01/1884

Pursuant to a call in times of scarcity, this right shall be administered separately from the Big Wood River and its tributaries.
Diversion of water pursuant to right nos. 37-82, 37-2635, 37-4016 and 37-7201 during the nonirrigation season is subject to any minimum stream flows established in the Big Wood River with later dates of priority.

POINT OF DIVERSION:

| | | |
|---|---|---|
| T04N R18E S19 | NESESE | Within Blaine County |
| | NESESE | |
| S30 | NENENE | (Injection) |
| | SENENE | (Injection) |
| | SENENE | |
| | NESENE | (Injection) |
| | NESENE | |

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|---|---|---|
| Irrigation | 04-15 TO 10-31 | 0.71 CFS |
| Wildlife | 01-01 TO 12-31 | 1.20 CFS |
| Recreation | 01-01 TO 12-31 | 1.20 CFS |

PURPOSE AND PERIOD OF USE (continued)

| | | | |
|---|---|---|---|
| Aesthetic | 01-01 TO 12-31 | 1.20 | CFS |
| Wildlife Storage | 01-01 TO 12-31 | 2.10 | AFY |
| Recreation Storage | 01-01 TO 12-31 | 2.10 | AFY |
| Aesthetic Storage | 01-01 TO 12-31 | 2.10 | AFY |

PLACE OF USE:

Irrigation — Within Blaine County

| | | | |
|---|---|---|---|
| T04N R18E S19 | NESE 7.1 | | SWSE 4.5 |
| | SESE 26.0 | | |
| S20 | NWSW 4.4 | | SWSW 5.6 |
| S29 | NWNW 8.6 | | |
| S30 | NENE 26.0 | | |

82.2 Acres Total

Wildlife — Within Blaine County

| | | |
|---|---|---|
| T04N R18E S19 | NESE | SESE |
| S30 | NENE | |

Wildlife Storage — Within Blaine County

| | | |
|---|---|---|
| T04N R18E S30 | SENE | |

Recreation — Within Blaine County

| | | |
|---|---|---|
| T04N R18E S19 | NESE | SESE |
| S30 | NENE | |

Recreation Storage — Within Blaine County

| | | |
|---|---|---|
| T04N R18E S30 | SENE | |

Aesthetic — Within Blaine County

| | | |
|---|---|---|
| T04N R18E S19 | NESE | SESE |
| S30 | NENE | |

Aesthetic Storage — Within Blaine County

| | | |
|---|---|---|
| T04N R18E S30 | SENE | |

Right Nos. 37-81, 37-82 and 37-2635 are limited to the irrigation of a combined total of 23.3 acres in a single irrigation season. This right is limited to the irrigation of 23.3 acres within the place of use described above in a single irrigation season.

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

Prior to diversion of water, flow measuring devices as specified by the department &/or watermaster shall be installed by the right holder at the following locations: a) at the point where water is diverted from the Big Wood River and rediverted from Elkhorn Creek and b) at a point on the downstream side of the bridge over Elkhorn Creek where water diverted under right nos. 37-81, 37-82, 37-2635, 37-4016 and 37-7201 flows out of the pond or wetland area subject of Transfer No. 3881 located in the NESENE S30 T04N, R18E.

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

2012 MAY 01 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): 37-00082 |

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 37-00082 was mailed on May 01, 2012, with sufficient first-class postage prepaid to the following:

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

BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

IDAHO FOUNDATION FOR
Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

BIG WOOD CANAL COMPANY
Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330
Phone: 208-934-4429

LANE RANCH HOMEOWNERS ASSN INC
Represented by:
JOHN E. ROBERTSON
PO BOX 1906
TWIN FALLS, ID 83303
Phone: 208-933-0700

JULIE MURPHY
Chief Deputy Clerk