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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY - 3 2011	
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. 37-21114
	)	(Blaine County School District #61)
_____	)	

On March 30, 2011, 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 3, 2011.



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)
)
Case No. 39576)
_____)

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

Water Right 37-21114

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

MAY - 3 2011

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: BLAINE COUNTY SCHOOL DISTRICT
#61
118 W BULLION ST
HAILEY, ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

The portion of this right committed to mitigation for the diversion of water right 37-21177 is 0.08 cfs. This portion of the right shall be managed as a surface water diversion, and the pump for right 37-21177 shall be the regulating structure for management. When the pump is on, the portion of this right mitigating for water right 37-21177 shall be considered as a constant diversion from the Big Wood River.

QUANTITY: 1.06 CFS

This right mitigates for the depletion of water resulting from the diversion and use of water under Rights 37-8821 and 37-21177. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.68 cfs of this right, which shall remain undiverted in the Big Wood River. If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Rights 37-8821 and 37-21177. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Rights 37-8821 and 37-21177 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION: T02N R18E S22 NESESE Within Blaine County
T03N R18E S20 SWNW

The point of diversion for the 0.08 cfs of this right committed to mitigation for right 27-21177 shall be the location on the Big Wood River within the NESESE, Section 22, Twp. 2N, Rge. 18E, Boise Meridian, which is the point on the river closest to the point of diversion for right 37-21177.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-15 TO 10-31	0.38 CFS
Mitigation	04-15 TO 10-31	0.68 CFS

PLACE OF USE:

Irrigation	Within Blaine County
T02N R18E S10	SENW 7.8
15.0 Acres Total	NESW 7.2
Mitigation	Within Blaine County
T02N R18E S10	SENW
	NESW

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

The portion of Right 37-21114 (portion of water right no. 37-0577) used for mitigation purposes shall be listed as a

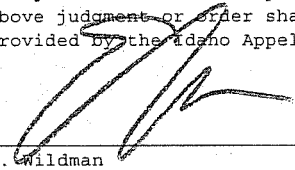
OTHER PROVISIONS (continued)

consumptive right in the water district decree book for the Big Wood River above Magic Reservoir. The mitigating flow amount of Right 37-21114 (portion of water right no. 37-0577) shall be administered as a Big Wood River surface right, with the point of diversion considered as the location on the river closest to the point of diversion for permit 37-21177, as described in the permit. The right shall be considered delivered, or on, when the pump for permit 37-21177 is in use.

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

2011 MAY 03 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHC
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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 37-21114

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 37-21114 was mailed
on May 03, 2011, 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

CERTIFICATE OF MAILING

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05/03/11

BIG WOOD CANAL COMPANY

Represented by:

CRAIG D. HOBDEY

125 5TH AVE

PO BOX 176

GOODING, ID 83330

Phone: 208-934-4429

BLAINE COUNTY SCHOOL DISTRICT

Represented by:

JAMES P. SPECK

SPECK & AANESTAD

120 EAST AVENUE

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KETCHUM, ID 83340

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JULIE MURPHY

Chief Deputy Clerk