

RECEIVED
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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 31 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

Case No. 39576

ORDER OF PARTIAL DECREES

Subcases: 63-12461 & 63-12470
(City of Boise)

On December 16, 2010, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. 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 wholly adopts them as its own.

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

DATED January 31, 2011.

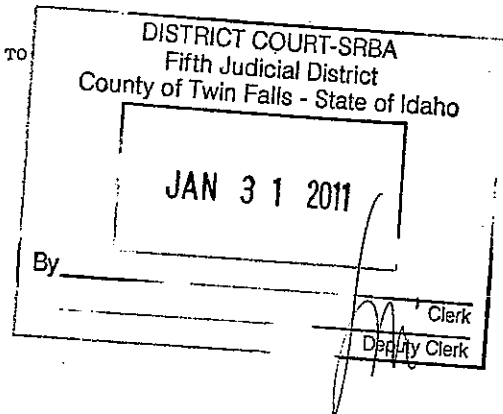


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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 63-12461



NAME AND ADDRESS: CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE, ID 83701-0500

SOURCE: GROUND WATER

QUANTITY: 4.58 CFS
1030.50 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation.
Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate.

PRIORITY DATE: 07/22/1998

POINT OF DIVERSION:	T01N R01E S23	SESW	Within Ada County
	S24	SWSW	
	S25	SESW	
		SESW	
		NWSE	
	S27	NWSW	
	S33	NENE	
	S34	SWNE	
		NWNW	
	S35	NENW	
		NWNW	
	S36	NENE	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	4.58 CFS 1030.50 AFY

PLACE OF USE:	Irrigation	Within Ada County	
	T01N R01E S23	NESW 30.0	NWSW 35.0
		SWSW 40.0	SESW 40.0
		NESE 31.0	NWSE 33.0
		SWSE 40.0	SESE 40.0
	S24	NESW 32.0	NWSW 33.0
		SWSW 40.0	SESW 33.0
	S25	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 15.0
	S26	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0

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

PLACE OF USE (continued)

	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S27	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 32.0	NWNW 32.0
	SWNW 36.0	SENW 40.0
	NESW 8.0	NWSW 2.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S33	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	SENW 40.0
S34	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S35	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 39.0	NWSW 39.0
	SWSW 30.0	SESW 31.0
	NESE 39.0	NWSE 40.0
S36	NENE 32.0	NWNE 37.0
	SWNE 3.0	SENE 27.0
	NENW 40.0	NWNW 40.0
	SWNW 17.0	SENW 10.0
3776.0 Acres Total		

This right is limited to the irrigation of 229 acres within the place of use described above in a single irrigation season. Right Nos. 63-12461 and 63-12470 are limited to the irrigation of a combined total of 595 acres in a single irrigation season.

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

To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes

Right #	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
2-2268B	Irrigation	9.8	2317.6	579

The land that will no longer be irrigated under this right is located within the W 1/2 NE, W 1/2 SE and SW 1/4, Section 20 and W 1/2 NE, N 1/2 SW, and NW 1/4, Section 29, Township 07S, Range 13E B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this water right shall be reduced by the same proportion as the reduction to the mitigation rights.

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

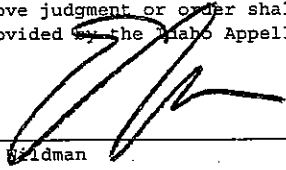
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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. Waldman
Presiding Judge of the
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 63-12470

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

JAN 31 2011

By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE, ID 83701-0500

SOURCE: GROUND WATER

QUANTITY: 7.32 CFS
1647.00 AFY

This right when combined with all other rights shall provide no
more than 0.02 cfs per acre nor more than 4.5 afa per acre at the
field headgate for irrigation.

Rights 63-12461 and 63-12470 when combined shall not exceed a
total diversion rate of 9.80 cfs, a total annual maximum
diversion volume of 2317.6 af at the field headgate.

PRIORITY DATE: 09/09/1998

POINT OF DIVERSION:	T01N R01E S23	SESW	Within Ada County
	S24	SWSW	
	S25	SESW	
		SESW	
		NWSE	
	S27	NWSW	
	S33	NENE	
	S34	SWNE	
		NWNW	
	S35	NENW	
		NWNW	
	S36	NENE	

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	7.32 CFS
			1647.00 AFY

PLACE OF USE:	Irrigation		Within Ada County
	T01N R01E S23	NESW 30.0	NWSW 35.0
		SWSW 40.0	SESW 40.0
		NESE 31.0	NWSE 33.0
		SWSE 40.0	SESE 40.0
	S24	NESW 32.0	NWSW 33.0
		SWSW 40.0	SESW 33.0
	S25	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 15.0
	S26	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0

PLACE OF USE (continued)

	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S27	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 32.0	NWNW 32.0
	SWNW 36.0	SENW 40.0
	NESW 8.0	NWSW 2.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S33	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	SENW 40.0
S34	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S35	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 39.0	NWSW 39.0
	SWSW 30.0	SESW 31.0
	NESE 39.0	NWSE 40.0
S36	NENE 32.0	NWNE 37.0
	SWNE 3.0	SENE 27.0
	NENW 40.0	NWNW 40.0
	SWNW 17.0	SENW 10.0
3776.0 Acres Total		

This right is limited to the irrigation of 366 acres within the place of use described above in a single irrigation season. Right Nos. 63-12461 and 63-12470 are limited to the irrigation of a combined total of 595 acres in a single irrigation season.

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

To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes

Right #	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
2-2268B	Irrigation	9.8	2317.6	579

The land that will no longer be irrigated under this right is located within the W 1/2 NE, W 1/2 SE and SW 1/4, Section 20 and W 1/2 NE, N 1/2 SW, and NW 1/4, Section 29, Township 07S, Range 13E B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this water right shall be reduced by the same proportion as the reduction to the mitigation rights.

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

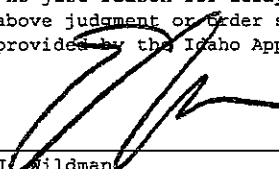
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on January 31, 2011, with sufficient first-class postage to the following:

CITY OF BOISE

Represented by:

MATTHEW K. WILDE

PO BOX 500

BOISE, ID 83701-0500

Phone: 208-384-3870

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

Handwritten signature of Julie Murphy in cursive script, positioned over the printed text 'Deputy Clerk'.