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DEPARTMENT OF
WATER RESOURCES

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

MAR - 3 2010

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. 63-00149A
(South Boise Water Co.)

On October 4, 2007, 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

March 3, 2010

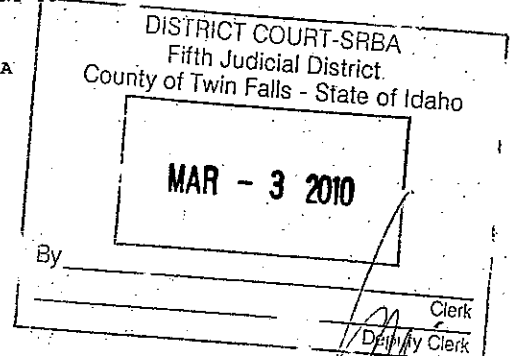


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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 63-00149A



NAME AND ADDRESS: SOUTH BOISE WATER CO
C/O BARRY ESCHEN PRESIDENT
PO BOX 6005
BOISE, ID 83707

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 40.00 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION: T03N R02E S24 LOT 5 (NENWSE) Within Ada County
R03E S19 LOT 6 (SWSWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Wildlife	01-01 TO 12-31	40.00 CFS
	Aesthetic	01-01 TO 12-31	40.00 CFS

PLACE OF USE:	Wildlife	Within Ada County
T03N R02E S14	NWNW	SWNW
	SENW	LOT 9 (NESW)
	SWSW	LOT 10 (NWSE)
	SWSE	
S15	SENW	NESW
	NESE	NWSE
	SESE	
S23	NENE	NWNE
	NENW	NWNW
S24 LOT 6	(SWNE)	LOT 8 (NENW)
	NWNW	LOT 7 (SENW)
LOT 4	(NESE)	LOT 5 (NWSE)
LOT 4	(SESE)	
R03E S19 LOT 6	(SWSW)	

Aesthetic	Within Ada County
T03N R02E S14	NWNW
	SENW
	SWSW
	SWSE
	LOT 9 (NESW)
	LOT 10 (NWSE)

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

PLACE OF USE (continued)

S15	SESW	NESW
	NESE	NWSE
	SESE	
S23	NENE	NWNE
	NENW	NWNW
S24 LOT 6	(SWNE)	LOT 8 (NENW)
	NWNW	LOT 7 (SESW)
LOT 4	(NESE)	LOT 5 (NWSE)
LOT 4	(SESE)	
R03E S19 LOT 6	(SWSW)	

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

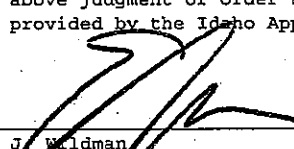
IF MEASURED OR CALCULATED BOISE RIVER FLOWS AT THE POINT OF DIVERSION ARE LESS THAN 240 CFS DURING NOVEMBER 15 TO MARCH 1, THE DIVERSION OF WATER UNDER THIS RIGHT SHALL BE LIMITED TO 10 CFS. MEASURED OR CALCULATED BOISE RIVER FLOWS AT THE POINT OF DIVERSION SHALL BE BASED ON GAUGED LUCKY PEAK DAM DISCHARGE MINUS THE GAUGED DIVERSION TO THE NEW YORK CANAL.

THIS RIGHT IS SUBORDINATE TO THE STORAGE OF WATER IN ARROWROCK RESERVOIR, ANDERSON RANCH RESERVOIR, LUCKY PEAK RESERVOIR AND LAKE LOWELL AND IS ALSO SUBORDINATE TO UPSTREAM IRRIGATION DIVERSIONS FROM THE BOISE RIVER.

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

2010 MAR 03 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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-00149A

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 63-00149A was mailed
on March 03, 2010, with sufficient first-class postage prepaid
to the following:

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

CITY OF BOISE PUBLIC WORKS

Represented by:
MATTHEW K. WILDE
PO BOX 500
BOISE, ID 83701-0500
Phone: 208-384-3870

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

SOUTH BOISE WATER CO
C/O BARRY ESCHEN PRESIDENT
PO BOX 6005
BOISE, ID 83707
Phone: 208-336-5508

CERTIFICATE OF MAILING

JULIE MURPHY
Chief Deputy Clerk

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03/03/10