

RECEIVED

JAN 27 2010

DEPARTMENT OF
WATER RESOURCES

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

JAN 26 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

Case No. 39576

)
) Water Right Nos.: See Attached Exhibit A
) (City of Filer)
)
) ORDER OF PARTIAL DECREES
)
)

On February 2, 2007, the Idaho Department of Water Resources filed its *Director's Report for Basin 47, Reporting Area 12, for Irrigation and Other Water Rights*, which included recommendations for the above named water rights. No objections were filed and the time period for filing objections has expired.

On November 4, 2009, the Idaho Department of Water Resources filed an *Amended Notice of Completed Administrative Proceeding and Amended Director's Reports* notifying the Court of a transfer in each of the above named water rights. No objections were filed to the *Amended Director's Reports* and the time period for filing objections has expired.

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

DATED

January 26, 2010


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

EXHIBIT A - CITY OF FILER

Subcase Nos:

47-02399

47-04144

47-04145

47-07717

47-07840

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 47-02399

NAME AND ADDRESS: CITY OF FILER
PO BOX 140
FILER, ID 83328

SOURCE: GROUND WATER

QUANTITY: 1.40 CFS.

Rights 47-4144, 47-4145, 47-7717, 47-7840, 47-2399, 47-8438 and 47-16843 when combined shall not exceed a total diversion rate of 9.06 cfs.

Rights 47-4144, 47-4145, 47-7717, 47-7840, 47-2399 and 47-8438 when combined shall not exceed a total diversion rate of 4.95 cfs.

PRIORITY DATE: 02/03/1965

POINT OF DIVERSION:	T10S R16E S07	SESENE	Within Twin Falls County
	S08	SWSWNE	
		SWSWNE	
		NWNESW	
	S17	NWSWNW	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	1.40 CFS

The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use or where the use of surface water was replaced by the use of water diverted in connection with this right before the approval of Transfer 73425. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

PLACE OF USE:

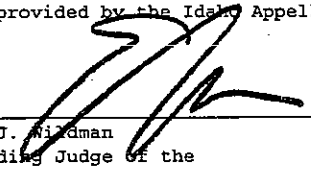
Place of use is within the service area of the City of Filer municipal water supply system as provided for under Idaho Law.

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

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

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 47-04144

NAME AND ADDRESS: CITY OF FILER
PO BOX 140
FILER, ID 83328

SOURCE: GROUND WATER

QUANTITY: 0.33 CFS

Rights 47-4144, 47-4145, 47-7717, 47-7840, 47-2399, 47-8438 and 47-16843 when combined shall not exceed a total diversion rate of 9.06 cfs.

Rights 47-4144, 47-4145, 47-7717, 47-7840, 47-2399 and 47-8438 when combined shall not exceed a total diversion rate of 4.95 cfs.

PRIORITY DATE: 02/06/1958

POINT OF DIVERSION:	T10S R16E S07	SESENE	Within Twin Falls County
	S08	SWSWNE	
		SWSWNE	
		NWNESW	
	S17	NWSWNW	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	0.33 CFS

The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use or where the use of surface water was replaced by the use of water diverted in connection with this right before the approval of Transfer 73425. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

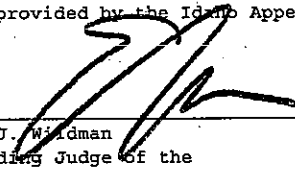
PLACE OF USE: Place of use is within the service area of the City of Filer municipal water supply system as provided for under Idaho Law.

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

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

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54 (b) FOR
Case No. 39576)
)
) Water Right 47-04145

NAME AND ADDRESS: CITY OF FILER
PO BOX 140
FILER, ID 83328

SOURCE: GROUND WATER .

QUANTITY: 0.28 CFS

Rights 47-4144, 47-4145, 47-7717, 47-7840, 47-2399 and 47-8438 when combined shall not exceed a total diversion rate of 4.95 cfs.

PRIORITY DATE: 08/09/1954

POINT OF DIVERSION:	T10S R16E S07	SESENE	Within Twin Falls County
	S08	SWSWNE	
		SWSWNE	
		NWNESW	
	S17	NWSWNW	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	0.28 CFS

The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use or where the use of surface water was replaced by the use of water diverted in connection with this right before the approval of Transfer 73425. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

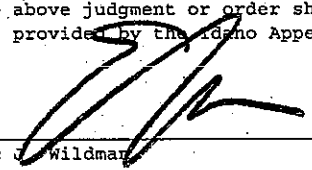
PLACE OF USE: Place of use is within the service area of the City of Filer municipal water supply system as provided for under Idaho Law.

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

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

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 47-07717

NAME AND ADDRESS: CITY OF FILER
PO BOX 140
FILER, ID: 83328

SOURCE: GROUND WATER

QUANTITY: 1.38 CFS

Rights 47-4144, 47-4145, 47-7717, 47-7840, 47-2399 and 47-8438 when combined shall not exceed a total diversion rate of 4.95 cfs.

PRIORITY DATE: 03/11/1981

POINT OF DIVERSION:	T10S R16E S07	SESENE	Within Twin Falls County
	S08	SWSWNE	
		SWSWNE	
		NWNESW	
	S17	NWSWNW	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE Municipal	PERIOD OF USE 01-01 TO 12-31	QUANTITY 1.38 CFS
-------------------------------	-----------------------------	---------------------------------	----------------------

The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use or where the use of surface water was replaced by the use of water diverted in connection with this right before the approval of Transfer 73425. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

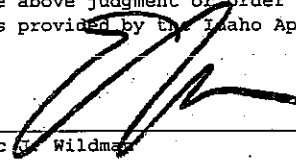
PLACE OF USE: Place of use is within the service area of the City of Filer municipal water supply system as provided for under Idaho Law.

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

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

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 47-07840

NAME AND ADDRESS: CITY OF FILER
PO BOX 140
FILER, ID 83328

SOURCE: GROUND WATER

QUANTITY: 0.89 CFS

Rights 47-4144, 47-4145, 47-7717, 47-7840, 47-2399 and 47-8438 when combined shall not exceed a total diversion rate of 4.95 cfs.

PRIORITY DATE: 10/08/1982

POINT OF DIVERSION:	T10S R16E S07	SESENE	Within Twin Falls County
	S08	SWSWE	
		SWSWE	
		NWNESW	
	S17	NWSWNW	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	0.89 CFS

The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use or where the use of surface water was replaced by the use of water diverted in connection with this right before the approval of Transfer 73425. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

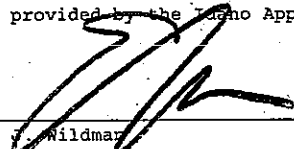
PLACE OF USE: Place of use is within the service area of the City of Filer municipal water supply system as provided for under Idaho Law.

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

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on January 26, 2010, with sufficient first-class postage to the following:

CITY OF FILER
PO BOX 140
FILER, ID 83328
Phone: 208-326-5000

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.