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DEPARTMENT OF
WATER RESOURCES

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

MAY 29 2009

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

Case No. 39576

)
) ORDER OF PARTIAL DECREE
)
)
) For water right: 01-181C
)
)

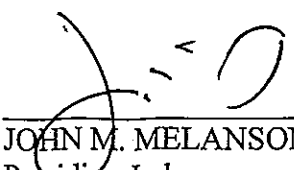
On December 5, 2007, a *Special Master's Report and Recommendation* was issued for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired. The above-captioned water right was recommended with one of the Purposes of Use being Aesthetic, Recreation, or Wildlife ("ARW"). This right was withheld from decree because of pending objections in the SRBA regarding the ARW Purpose of Use. The objections involving the ARW Purpose of Use were ultimately designated as Basin-Wide Issue 14. On February 25, 2009, the Court approved an amended decree resolving Basin-Wide Issue 14. Therefore, the Court finds it is now appropriate to issue the *Partial Decree* for the above-captioned right.

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 29, 2009.


JOHN M. MELANSON
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 01-00181C

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho MAY 29 2009 By _____ Clerk Deputy Clerk
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NAME AND ADDRESS: CITY OF BLACKFOOT
157 N BROADWAY
BLACKFOOT, ID 83221

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 46.00 CFS
2466.80 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE
NO MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE AT
THE FIELD HEADGATE FOR IRRIGATION OF THE LANDS DESCRIBED HEREIN.
THE RIGHT HOLDER SHALL MAINTAIN A MEASURING DEVICE AND LOCKABLE
CONTROLLING WORKS BOTH OF WHICH SHALL BE OF A TYPE APPROVED BY
THE DEPARTMENT AND THAT WILL PROVIDE THE WATERMASTER SUITABLE
CONTROL OF THE DIVERSION(S).
THE RESERVOIR ESTABLISHED BY THE STORAGE OF WATER UNDER THIS
RIGHT SHALL NOT EXCEED A TOTAL CAPACITY OF 1100 ACRE FEET OR A
TOTAL SURFACE AREA OF 73 ACRES. THIS RIGHT AUTHORIZES ADDITIONAL
STORAGE IN THE AMOUNT OF 186 AFA TO MAKE UP LOSSES FROM
EVAPORATION AND 980.8 AFA FOR SEEPAGE LOSSES.

PRIORITY DATE: 06/16/1900

POINT OF DIVERSION: T02S R37E S27 LOT 9 (SWNE) Within Bingham County
NESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	200.00 AFY
	Irrigation from Storage	04-01 TO 10-31	200.00 AFY
	Diversion to Storage	04-01 TO 10-31	46.00 AFY
	Recreation Storage	01-01 TO 12-31	2266.80 AFY
	Irrigation	04-01 TO 10-31	1.00 CFS 200.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
T02S R35E S27	NESW 0.7	LOT 17 (NESW) 0.5
	SESW 6.8	SESW 2.1
LOT 18	(SESW) 0.8	
S33 LOT 10	(NESE) 9.1	LOT 11 (NWSE) 0.7
LOT 11	(SWSE) 0.6	LOT 10 (SESE) 1.1
S34	NWNE 1.8	NENW 5.6
	NENW 8.5	LOT 11 (NENW) 0.5
	SWNW 4.0	SWNW 1.5
	SWNW 0.4	LOT 11 (SWNW) 1.4
	SENE 1.1	NWSW 0.2
	NWSW 2.1	NWSW 0.5
50.0 Acres Total		

Irrigation Storage	Within Bingham County
T02S R35E S27	LOT 15 (SWSW)
LOT 18	SESW
LOT 15	(SESW)
S33	SENE
	NESE
	LOT 10 (NESE)
S34	NWNW
LOT 11	(NWNW)
	SWNW

PLACE OF USE (continued)

LOT 7	(SNNW)	LOT 11	(SNNW)
	NWSW		NWSW
LOT 7	(NWSW)		

Irrigation from Storage
Same as Irrigation

Within Bingham County

THE PLACE OF USE FOR IRRIGATION UNDER THIS RIGHT INCLUDES PORTIONS OF TRACT 38 IN NESW AND SESW OF SECTION 27, AND NENW AND SWNW OF SECTION 34; PORTIONS OF TRACT 39 IN SESW OF SECTION 27, NENE, NENW, SWNW, SENW, AND NWSW OF SECTION 34; AND A PORTION OF TRACT 41 IN NWSE OF SECTION 34.

THE PLACE OF USE FOR THE STORAGE ELEMENTS OF THIS RIGHT INCLUDES PORTIONS OF TRACT 42 IN SENE AND NESE OF SECTION 33, AND A PORTION OF TRACT 39 IN NWSW OF SECTION 34.

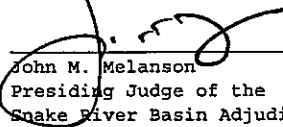
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE DIVERSION AND USE OF WATER UNDER TRANSFER 72385 IS SUBJECT TO ADDITIONAL CONDITIONS AND LIMITATIONS CONTAINED IN A SETTLEMENT AGREEMENT-IDWR TRANSFER OF WATER RIGHT, TRANSFER NO. 72385, DATE JUNE 2006, INCLUDING ANY PROPERLY EXECUTED AMENDMENTS THERETO, ENTERED INTO BY AND BETWEEN THE NEW SWEDEN IRRIGATION DISTRICT, THE CITY OF BLACKFOOT, A & B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT #2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA IRRIGATION DISTRICT, TWIN FALLS CANAL COMPANY, AND NORTH SIDE CANAL COMPANY. THE SETTLEMENT AGREEMENT HAS BEEN RECORDED IN BINGHAM COUNTY (INSTRUMENT NO. 575897) AND BONNEVILLE COUNTY (INSTRUMENT NO. 1249899) AND IS ENFORCEABLE BY THE PARTIES THERETO.

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2009 MAY 29 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): 01-00181C

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 01-00181C was mailed
on May 29, 2009, with sufficient first-class postage prepaid
to the following:

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

CITY OF BLACKFOOT
157 N BROADWAY
BLACKFOOT, ID 83221

JULIE MURPHY
Chief Deputy Clerk