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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 20 2009	
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 DECREE**
)
)
) **For water right: 63-31726**
)

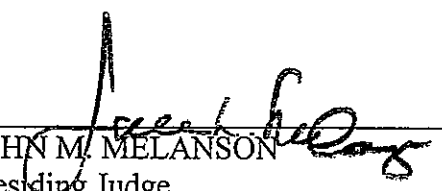
On December 16, 2005, the Idaho Department of Water Resources ("IDWR") filed its *Director's Report for Basin 63, Part II, Reporting Area 13, for Irrigation and Other Water Rights*, which included recommendations for the parent right (63-05087) of the above-captioned water right. No objections were filed and the time period for filing objections has expired.

On August 14, 2006, IDWR filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court the water right 63-05087 had been split into water rights 63-31725 and 63-31726. No objections were filed to the *Amended Director's Report* and the time period for filing objections has 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.

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 20, 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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-31726

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

MAR 20 2009

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: MARY B HORMAECHEA
RICHARD M HORMAECHEA
PO BOX 6887
BOISE, ID 83707

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
14.00 AFY

RIGHTS 63-31726 AND 63-31689 WHEN COMBINED SHALL NOT EXCEED A
TOTAL DIVERSION RATE OF 0.18 CFS, A TOTAL ANNUAL MAXIMUM
DIVERSION VOLUME OF 40.0 AF.

PRIORITY DATE: 10/08/1962

POINT OF DIVERSION: T04N R01E S04 NESE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Aesthetic Storage	01-01 TO 12-31	14.00 AFY
	Diversion to Storage	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Aesthetic Storage	Within Ada County
	T04N R01E S04	NESW
		SESW
		NWSE
		SESE

Diversion to Storage Within Ada County
Same as Aesthetic Storage

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

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY
TRANSFER 70604 WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS
OF SECTION 42-235, IDAHO CODE AND APPLICABLE WELL CONSTRUCTION
RULES OF THE DEPARTMENT.

THE DIVERSION AND USE OF WATER DESCRIBED IN TRANSFER 70604 MAY
BE SUBJECT TO ADDITIONAL CONDITIONS AND LIMITATIONS AGREED TO BY
THE PROTESTANT(S) AND THE RIGHT HOLDER UNDER SEPARATE AGREEMENT
TO WHICH THE DEPARTMENT IS NOT A PARTY AND WHICH MAY BE
ENFORCEABLE BY A COURT OF LAW.

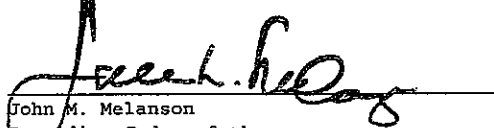
FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF
THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF
THE TRANSFER.

RIGHT 63-31726 AUTHORIZED THE DIVERSION OF AN ANNUAL TOTAL OF
14.0 AF TO BE USED FOR THE REPLACEMENT OF LOSSES CAUSED BY
EVAPORATION FROM THE 5.2 ACRE TOTAL SURFACE AREA OF SIX (6) PONDS
ESTABLISHED UNDER RIGHT 63-32169.

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 MAR 20 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

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CERTIFICATE OF MAILING

Water Right(s): 63-31726

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 63-31726 was mailed
on March 20, 2009, with sufficient first-class postage prepaid
to the following:

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

MARY B HORMAECHEA
RICHARD M HORMAECHEA
PO BOX 6887
BOISE, ID 83707

JULIE MURPHY
Chief Deputy Clerk