

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

DISTRICT COURT - SRBA

Fifth Judicial District

County of Twin Falls - State of Idaho

FEB - 6 2009

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-07025

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

STATE OF IDAHO
DEPT OF CORRECTIONS
1299 N ORCHARD STE 110
BOISE, ID 83706

SOURCE:

GROUND WATER

QUANTITY:

3.38 CFS
1252.00 AFY

Rights 63-3487, 63-7025, 63-30297 and 63-30298 when combined shall not exceed a total diversion rate of 6.18 cfs nor a total annual maximum diversion volume of 2054.5 af for municipal use. Rights 63-3271, 63-3445, 63-3487, 63-7025, 63-8088, 63-30297 and 63-30298 when combined shall not exceed a total diversion rate of 21.24 cfs, a total annual maximum diversion volume of 6914.5 af for municipal use and irrigation. Rights 63-3271, 63-3445, 63-3487, 63-7025 and 63-8088 when combined shall not exceed a total diversion rate of 18.64 cfs nor a total annual maximum diversion volume of 4860 af for irrigation.

PRIORITY DATE:

09/22/1967

POINT OF DIVERSION:

T02N R02E S27 SWSW Within Ada County
NESE
SWSE
SWSE
S30 SESE
S32 NENE
SENE
NWSE
S33 NWNE

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	3.38 CFS 1184.80 AFY
Municipal	01-01 TO 12-31	0.50 CFS 67.20 AFY

Municipal place of use is within the service area of Idaho Dept. of Corrections as provided for under Idaho law. The place of use is generally described as within the state prison facilities. Municipal use includes irrigation of open spaces within the state prison facilities and does not include irrigation of agricultural cropland. The water used for municipal purposes is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water diverted for municipal purposes shall not irrigate agricultural cropland unless the water is first beneficially used in the prison facility as authorized by this right. The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

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

PLACE OF USE:	Irrigation		Within Ada County
	T02N R02E S21	SWSW 40.0	SESW 40.0
		SWSE 40.0	
	S27	NENW 40.0	NWNW 40.0
		SWNW 40.0	SESW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NESE 5.0	NWSE 40.0
		SWSE 40.0	
	S28	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SESW 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
	S29	NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S30	SWNE 40.0	SENE 40.0
		SENE 40.0	NESW 40.0
		SESW 40.0	NESE 40.0
		NWSE 40.0	SWSE 40.0
		SESE 40.0	
	S31	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	SESW 40.0
	S32	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SESW 40.0
		NESW 40.0	NWSW 40.0
		NESE 40.0	NWSE 40.0
	S33	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
	S34	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SESW 40.0
		NESW 40.0	NWSW 40.0
	3125.0 Acres Total		

Municipal
Same as Irrigation

Within Ada County

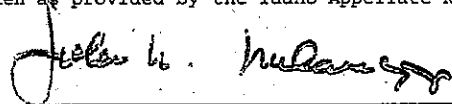
This right is limited to the irrigation of 264 acres within the place of use described above in a single irrigation season. Rights 63-3271, 63-3445, 63-3487, 63-7025, 63-8088, 63-30297 and 63-30298 when combined are limited to the irrigation of 1,080 acres within the place of use described above in a single irrigation season.

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.



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