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JUN 29 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

2007 JUN 28 PM 4 18

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 Rights: 63-0303 and 63-3613

On March 9, 2007 the Idaho Supreme Court issued its opinion in *U.S. v. Pioneer Irr. Dist.*, 144 Idaho 106, 157 P.3 600, 609 (2007), an appeal from SRBA Consolidated Subcase 91-63. At issue was the ownership of certain Bureau of Reclamation project water rights claimed by both the United States, acting through the United States Bureau of Reclamation, and various irrigation delivery organizations who deliver the project water to their shareholders. The Supreme Court ruled that, while the United States' name should appear on the partial decree, title to the use of the water is held by the beneficial or end users of the water. Accordingly, the Supreme Court ordered the following remark to appear on the face of the partial decrees:

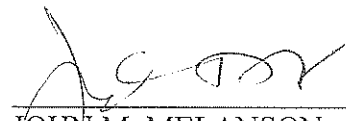
The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho constitutional and statutory law title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the quantities and/or percentages specified in the contracts between the Bureau of Reclamation and the irrigation organizations for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.

ORDER OF PARTIAL DECREE

On April 9, 2007, the Idaho Supreme Court filed the Remittitur. No further objections remain and no further action is required of this Court other than issuance of the partial decrees.

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 June 29, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

TWIN FALLS CO. IDAHO

In Re SRBA)
)
Case No. 39576)
)

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

Water Right 63-03613

FILED
2007 JUN 28 PM 4 18

NAME AND ADDRESS: UNITED STATES OF AMERICA
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 15000.00 AFY

TOTAL RESERVOIR CAPACITY IS 286,600 ACRE FEET WHEN FILLED TO
ELEVATION 3216 AND MEASURED AT THE UPSTREAM FACE OF THE DAM. THE
BUREAU OF RECLAMATION MAY TEMPORARILY STORE WATER IN THE
SURCHARGE CAPACITY, WHICH IS ABOVE ELEVATION 3216 DURING FLOOD
EVENTS OR EMERGENCY OPERATIONS.

PRIORITY DATE: 06/25/1938

POINT OF DIVERSION: T03N R04E S13 LOT 5 (SWNE) Within Boise County
LOT 7 (NWSE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	15000.00 AFY
	Irrigation from Storage	03-15 TO 11-15	15000.00 AFY

PLACE OF USE:
THE PLACE OF USE IS WITHIN THE BOISE FEDERAL RECLAMATION PROJECT
WITHIN ADA, CANYON, BOISE AND ELMORE COUNTIES, IDAHO AND MALHEUR
COUNTY, OREGON (BIG BEND IRRIGATION DISTRICT).

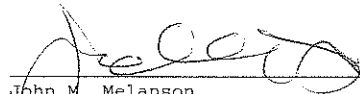
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE NAME OF THE UNITED STATES OF AMERICA ACTING THROUGH THE
BUREAU OF RECLAMATION APPEARS IN THE NAME AND ADDRESS SECTIONS OF
THIS PARTIAL DECREE. HOWEVER, AS A MATTER OF IDAHO CONSTITUTIONAL
AND STATUTORY LAW, TITLE TO THE USE OF THE WATER IS HELD BY THE
CONSUMERS OR USERS OF THE WATER. THE IRRIGATION ORGANIZATIONS
ACT ON BEHALF OF THE CONSUMERS OR USERS TO ADMINISTER THE USE OF
THE WATER FOR THE LANDOWNERS IN THE QUANTITIES AND/OR PERCENTAGES
SPECIFIED IN THE CONTRACTS BETWEEN THE BUREAU OF RECLAMATION AND
THE IRRIGATION ORGANIZATIONS FOR THE BENEFIT OF THE LANDOWNERS
ENTITLED TO RECEIVE DISTRIBUTION OF THIS WATER FROM THE
RESPECTIVE IRRIGATION ORGANIZATIONS. THE INTEREST OF THE
CONSUMERS OR USERS OF THE WATER IS APPURTENANT TO THE LANDS
WITHIN THE BOUNDARIES OF OR SERVED BY SUCH IRRIGATION
ORGANIZATIONS, AND THAT INTEREST IS DERIVED FROM LAW AND IS NOT
BASED EXCLUSIVELY ON THE CONTRACTS BETWEEN THE BUREAU OF
RECLAMATION AND THE IRRIGATION ORGANIZATIONS.

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.



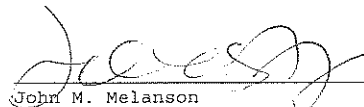
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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RULE 54(b) CERTIFICATE

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A handwritten signature in dark ink, appearing to read "John M. Melanson", is written over a horizontal line.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on June 28, 2007, with sufficient first-class postage to the following:

BOISE PROJECT BOARD OF CONTROL

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

PIONEER IRRIGATION DISTRICT
SETTLERS IRRIGATION DISTRICT

Represented by:
ANGELA SCHAER KAUFMANN
101 S CAPITOL BLVD, 10TH FLOOR
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BOISE, ID 83701-0829
Phone: 208-345-2000

FARMERS COOPERATIVE DITCH CO
NAMPA & MERIDIAN IRRIGATION

Represented by:
DANIEL V. STEENSON
455 S THIRD ST
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BOISE, ID 83701-2773
Phone: 208-342-4591

FARMERS UNION DITCH COMPANY

Represented by:
JERRY A. KISER
620 WEST HAYES
BOISE, ID 83702
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COMMITTEE OF NINE

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SETTLERS IRRIGATION DISTRICT

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COMMITTEE OF NINE

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 207-733-0700

UNITED STATES OF AMERICA

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

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

