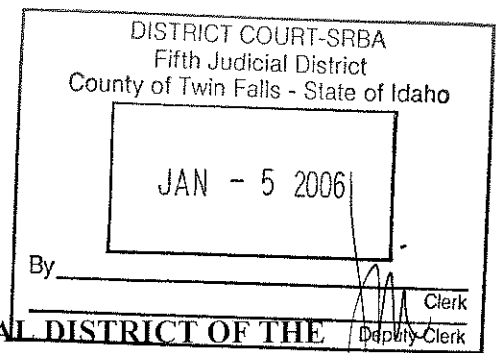




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcase Nos.: 36-07134 & 36-07135
) (Minidoka County School District #331)
)
) ORDER OF AMENDED PARTIAL
) DECREES
)
)

On February 15, 2005, a *Special Master's Report and Recommendation* was filed for the above-captioned water right claims. The *Special Master's Report and Recommendation* was based on *Standard Form 5's* signed by the claimant, with IDWR's concurrence. No challenges were filed.

This Court's review of the *Special Master's Report and Recommendation* raised several questions pertaining to certain provisions included in the "other provisions necessary for definition or administration of the water right" section of the *Recommendation*. On December 1, 2005, at the Court's request, IDWR prepared a detailed *Supplemental Director's Report* in response to the Court's questions.

In issuing the ***Amended Partial Decrees*** as recommended, the Court takes the following into account: 1) The *Special Master's Recommendation* is based on an SF-5 with IDWR's concurrence; 2) no challenges were filed to the *Special Master's Recommendation*; 3) the claimant is recapturing and reusing irrigation district water on land historically irrigated with irrigation district water, albeit previously via a surface diversion; 4) the evidence in the record is that the groundwater is pumped from a aquifer disconnected from the Eastern Snake Plain Aquifer (ESPA) and is not the result of a "groundwater mounding" effect associated with the ESPA, and 6) the entry of the ***Amended Partial Decrees*** is limited to the unique facts and circumstances associated with these two water rights.

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. The Court has also reviewed and taken into consideration the *Supplemental Director's Report* on the *Standard Form 5* agreement filed by IDWR.

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

DATED January 5, 2006



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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-07135

NAME AND ADDRESS: MINIDOKA COUNTY SCHOOL
DISTRICT #331
633 FREMONT AVE
RUPERT, ID 83350-1610

SOURCE: GROUNDWATER

QUANTITY: 0.38 CFS
76.00 AFY

PRIORITY DATE: 06/24/1970

POINT OF DIVERSION: T09S R24E S20 SENENW Within Minidoka County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 11-01	0.38 CFS 76.00 AFY

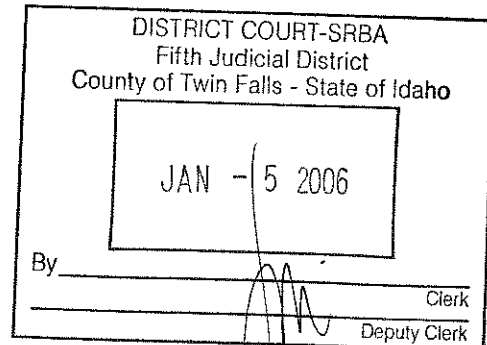
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MAY 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Minidoka County
	T09S R24E S20	SENW 3.0
	19.0 Acres Total	

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

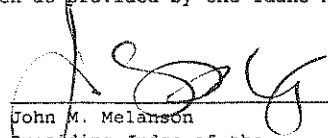
THE WATER USED BY THIS RIGHT IS: (1) USED IN LIEU OF SURFACE WATER FROM MINIDOKA IRRIGATION DISTRICT THAT THE WATER RIGHT HOLDER IS ENTITLED TO RECEIVE, THE PLACE OF USE BEING WITHIN MINIDOKA IRRIGATION DISTRICT AND THE LANDS BEING INCLUDED IN AND ASSESSED BY MINIDOKA IRRIGATION DISTRICT, (2) FROM A PERCHED AQUIFER CREATED BY APPLICATION OF SURFACE WATER BY THE MINIDOKA IRRIGATION DISTRICT, AND (3) RECAPTURED UNDER THIS RIGHT BEFORE IT REACHES THE EASTERN SNAKE PLAIN AQUIFER. THEREFORE, THIS RIGHT IS NOT SUBJECT TO A DELIVERY CALL AGAINST OR ANY MITIGATION REQUIREMENTS THAT MAY BE IMPOSED ON EASTERN SNAKE PLAIN AQUIFER GROUND WATER RIGHTS.

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.



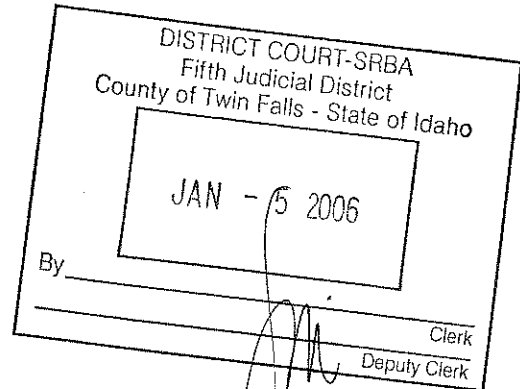
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
_____)

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

Water Right 36-07134



NAME AND ADDRESS: MINIDOKA COUNTY SCHOOL
DISTRICT #331
633 FREMONT AVE
RUPERT, ID 83350-1610

SOURCE: GROUNDWATER

QUANTITY: 0.38 CFS
76.00 AFY

PRIORITY DATE: 06/24/1970

POINT OF DIVERSION: T09S R23E S32 NESE Within Minidoka County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 11-01	0.38 CFS 76.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE MAY 1 AND AFTER NOVEMBER 1 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.

PLACE OF USE: Irrigation Within Minidoka County
T09S R23E S32 NESE 19.0
19.0 Acres Total

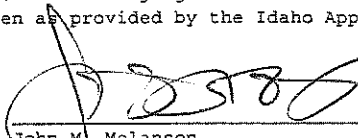
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE WATER USED BY THIS RIGHT IS: (1) USED IN LIEU OF SURFACE
WATER FROM MINIDOKA IRRIGATION DISTRICT THAT THE WATER RIGHT
HOLDER IS ENTITLED TO RECEIVE, THE PLACE OF USE BEING WITHIN
MINIDOKA IRRIGATION DISTRICT AND THE LANDS BEING INCLUDED IN AND
ASSESSED BY MINIDOKA IRRIGATION DISTRICT, (2) FROM A PERCHED
AQUIFER CREATED BY APPLICATION OF SURFACE WATER BY THE MINIDOKA
IRRIGATION DISTRICT, AND (3) RECAPTURED UNDER THIS RIGHT BEFORE
IT REACHES THE EASTERN SNAKE PLAIN AQUIFER. THEREFORE, THIS
RIGHT IS NOT SUBJECT TO A DELIVERY CALL AGAINST OR ANY MITIGATION
REQUIREMENTS THAT MAY BE IMPOSED ON EASTERN SNAKE PLAIN AQUIFER
GROUND WATER RIGHTS.

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.

A handwritten signature in black ink, appearing to read "J. 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 AMENDED PARTIAL DECREES was mailed on January 05, 2006, with sufficient first-class postage to the following:

MINIDOKA COUNTY SCHOOL
SCHOOL DISTRICT NO 331

Represented by:
ROGER D LING
615 H ST
PO BOX 396
RUPERT, ID 83350-0396
Phone: 208-436-4717

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

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