

7-38BA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA) **ORDER OF PARTIAL DECREE**
)
Case No. 39576) **For Water Right: 63-31335**
)
)
)

DATED September 29, 2004.

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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 63-31335

SEP 29 PM 2:53
TWIN FALLS CO, IDAHO
FILED

NAME AND ADDRESS: VAL DEAN SCHROEDER
13 BLACKSMITH RD
BOISE, ID 83716

SOURCE: MORES CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.38 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHT NO. 63-31336 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .50 CFS.

PRIORITY DATE: 07/26/1920

POINT OF DIVERSION: T04N R04E S28 SESW Within Boise County
SWSE

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.38 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

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 APRIL 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.

DIVERSION FOR IRRIGATION UNDER THIS WATER RIGHT PRIOR TO
APRIL 1 AND AFTER OCTOBER 31 SHALL OCCUR ONLY AS AUTHORIZED BY
THE WATER DISTRICT 63 WATER MASTER AND ONLY WHEN WATER IS BEING
RELEASED FOR FLOOD CONTROL BY THE UNITED STATES FROM THE LUCKY
PEAK DAM OUTLET UNDER PROCEDURES AND REQUIREMENTS FOR THE
MEMORANDUM OF AGREEMENT BETWEEN THE U.S. DEPARTMENT OF THE ARMY
AND THE U.S. DEPARTMENT OF THE INTERIOR FOR FLOOD CONTROL
OPERATIONS OF THE BOISE RIVER RESERVOIRS, DATED NOVEMBER 20,
1953, THE WATER CONTROL MANUAL FOR BOISE RIVER RESERVOIR DATED
APRIL 1985 AND ANY FUTURE AMENDMENTS OR REVISIONS MADE THERETO
PURSUANT TO STATE OR FEDERAL PROCEDURES OR LAW; PROVIDED THAT
ANY SUCH USE OF THIS WATER RIGHT PRIOR TO APRIL 1 AND AFTER
OCTOBER 31 SHALL BE SUBORDINATED TO WATER RIGHTS FOR STORAGE IN
LUCKY PEAK RESERVOIR AND/OR LAKE LOWELL AS DECREED IN SRBA
CASE NO. 39576.

PLACE OF USE: Irrigation Within Boise County
T04N R04E S28 NESW 0.5 SESW 10.0
SWSE 1.0
11.5 Acres Total

Stockwater Within Boise County
T04N R04E S28 NESW
SWSE

USE OF THIS RIGHT WITH RIGHT NO. 63-31336 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 15 ACRES IN A SINGLE
IRRIGATION SEASON.

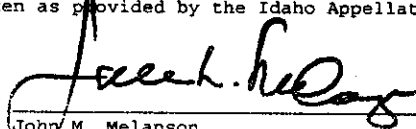
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

2004 SEP 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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 63-31335

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 63-31335 was mailed
on September 29, 2004, with sufficient first-class postage prepaid
to the following:

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

BOISE PROJECT BOARD OF CONTROL

Represented by:
ALBERT P. BARKER
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BOISE PROJECT BOARD OF CONTROL

Represented by:
CHESTNUT, AMY D
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CERTIFICATE OF MAILING

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09/29/04

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

VAL DEAN SCHROEDER
13 BLACKSMITH RD
BOISE, ID 83716
Phone: 208-342-5948

JULIE MUPRHY
Chief Deputy Clerk