

RECEIVED

AUG 02 2004

DEPARTMENT OF  
WATER RESOURCES

2004 JUL 30 PM 4:44

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED *jm*

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: 63-04629A  
)  
)  
)  
)

On June 23, 2004, a *Special Master's Report and Recommendation* was filed for water right 63-04629A. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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.

Therefore, IT IS ORDERED that water right 63-04629A be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 30, 2004.

  
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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 63-04629A

700 JUL 30 PM 4:44  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: WILDERNESS RANCH OWNERS ASSOC  
ASSN INC  
46 WILDERNESS RANCH RD  
BOISE, ID 83716

SOURCE: GROUND WATER  
MORES CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.45 CFS  
112.40 AFY

The total instantaneous diversion of water from all points of  
diversion under Right 63-4629A shall not exceed 0.45 cfs, nor  
total combined annual volume of 112.4 af.  
THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO  
MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR  
IRRIGATION OF THE LAND.

PRIORITY DATE: 09/06/1899

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

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.45 CFS<br>112.40 AFY |

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 WATERMASTER AND ONLY WHEN WATER IS BEING  
RELEASED 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 HERETO 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  
OR LAKE LOWELL AS DECREED IN SRBA CASE NO. 39576

| PLACE OF USE: | Irrigation    | Within Boise County |
|---------------|---------------|---------------------|
|               | T04N R04E S16 | SESW NWSE           |
|               |               | SWSE                |
|               | S17           | SWNE SENE           |
|               |               | NESW NWSW           |
|               |               | SWSW SESW           |
|               |               | NESE NWSE           |
|               |               | SWSE SESE           |
|               | S20           | NENE NWNE           |
|               |               | SWNE SENE           |
|               |               | NENW NWNW           |
|               |               | SESW SESW           |
|               |               | NESE NWSE           |
|               |               | SWSE SESE           |
|               | S21           | NWNE SWNE           |

PLACE OF USE (continued)

|     |      |      |
|-----|------|------|
|     | NENW | NWNW |
|     | SWNW | SENW |
|     | NESW | NWSW |
|     | SWSW | SESW |
| S28 | NWSE | SWSE |
|     | NWNE | SWNE |
|     | NENW | NWNW |
|     | SWNW | SENW |
|     | NESW | NWSW |
|     | SWSW | SESW |
| S29 | NENE | SENE |
|     | NESE |      |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32.1 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE

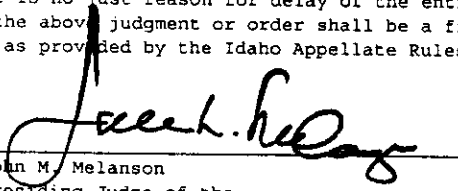
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

DIVERSION OF GROUND WATER AND SURFACE WATER FROM MORES CREEK IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM DAGGETT CREEK AT THE ORIGINAL POINT OF DIVERSION LOCATED IN THE NWSE, S16, T04N, R04E. PRIOR TO DIVERSION OF WATER UNDER TRANSFER NO. 69320, THE WATER RIGHT HOLDER SHALL PROVIDE A LOCATION AND MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPARTMENT FOR MEASURING THE FLOW IN DAGGETT CREEK TO CONFIRM COMPLIANCE WITH THE ABOVE CONDITION. SURFACE WATER DIVERTED FROM MORES CREEK WILL BE TREATED TO DRINKING WATER STANDARDS AND PLACED IN THE SINGLE COMMUNITY PIPELINE NETWORK SUPPLYING THE WILDERNESS RANCH SUBDIVISION. DURING PERIODS WHEN THE FLOW OF WATER TREATED EXCEEDS FLOW DEMAND FOR THE COMMUNITY, TREATED WATER WILL BE INJECTED INTO THE INFILTRATION GALLERIES. TREATED SURFACE WATER INJECTED TO GROUND WATER THROUGH THE INFILTRATION GALLERIES IS CONSIDERED TO BE TOTALLY USED BY THE WATER RIGHT HOLDER. THE VOLUME OF WATER INJECTED TO THE INFILTRATION GALLERIES IS A PORTION OF AND IS COUNTED AGAINST THE 112.4 ACRE-FEET THAT IS AUTHORIZED FOR ANNUAL DIVERSION BY 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

2004 JUL 30 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): 63-04629A

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 63-04629A was mailed  
on July 30, 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

PAGE 1  
07/30/04

WILDERNESS RANCH OWNERS ASSOC

Represented by:

MICHAEL C. CREAMER

PO BOX 2720

BOISE, ID 83701-2720

Phone: 208-388-1200

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

WILDERNESS RANCH OWNERS ASSOC

46 WILDERNESS RANCH RD

BOISE, ID 83716

Phone: 208-388-1200

JULIE MURPHY

Chief Deputy Clerk