

RECEIVED  
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DEPARTMENT OF  
WATER RESOURCES

2004 JUL 30 PM 4:47  
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

) ORDER OF PARTIAL DECREE  
)  
)  
)  
)  
)

For Water Right: 63-31336

On June 23, 2004, a *Special Master's Report and Recommendation* was filed for water right 63-31336. 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 63-31336 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 63-31336

2004 JUL 30 PM 4:47  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED *[Signature]*

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

SOURCE: MORES CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.12 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-31335 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

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 11-01 | 0.12 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 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 US DEPARTMENT OF THE ARMY AND THE US  
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 OR LAKE LOWELL AS DECREED IN SRBA CASE NO 39576.

PLACE OF USE: Irrigation Within Boise County  
T04N R04E S28 SESW 3.5  
3.5 Acres Total

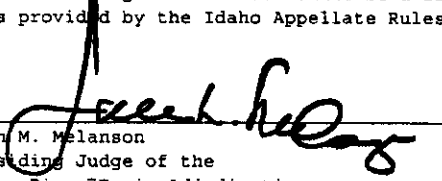
USE OF THIS RIGHT WITH RIGHT NO. 63-31335 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 15 ACRES IN A SINGLE  
IRRIGATION SEASON.

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

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): 63-31336

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 63-31336 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

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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