

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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-07061

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho APR 22 2004 By _____ Clerk Deputy Clerk
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NAME AND ADDRESS: VAN DEUSEN RANCH INC
PO BOX 68
EMMETT, ID 83617

SOURCE: SUCKER CREEK TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 3.00 CFS
450.00 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 01/19/1969

POINT OF DIVERSION: T08N R01W S16 SWNE Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Irrigation from Storage	04-01 TO 10-30	450.00 AFY
	Diversion to Storage	11-01 TO 01-31	1.00 CFS
	Diversion to Storage	02-01 TO 03-31	3.00 CFS
	Irrigation Storage	11-01 TO 03-30	450.00 AFY

PLACE OF USE: Irrigation Storage Within Gem County
Same as Irrigation from Storage

Irrigation from Storage		Within Gem County	
T07N R02W S02	LOT 1 (NENE) 17.0	LOT 2 (NWNE) 3.3	
	LOT 3 (NENW) 25.0	SWNW 20.0	
	SENE 5.3	NWSW 4.0	
T08N R01W S19	SWNE 1.3	SENE 8.4	
	NESW 20.0	LOT 3 (NWSW) 7.0	
	LOT 4 (SWSW) 23.0	SESW 40.0	
	NESE 15.0	NWSE 25.0	
	SWSE 9.9	SESE 1.3	
S30	NENW 24.0	LOT 1 (NWNW) 35.0	
	LOT 2 (SWNW) 38.0	SENE 16.0	
	NESW 16.0	LOT 3 (NWSW) 38.0	
	LOT 4 (SWSW) 38.0	SESW 32.0	
	SWSE 7.0		
S31	NWNE 28.0	SWNE 2.4	
	SENE 19.0	NENW 6.3	
	LOT 1 (NWNW) 24.0	NESE 4.4	
S32	SWNW 12.0	SENE 0.3	
	NESW 28.0	NWSW 24.0	
	SESW 5.6	NWSE 8.0	
	SWSE 15.0		
R02W S25	NENE 1.2	SENE 19.0	
	SESW 7.0	NESE 38.0	
	NWSE 8.4	SWSE 36.0	
	SESE 39.0		
S35	SWNE 2.4	SENE 27.0	
	SESW 12.0	NESE 39.0	
	NWSE 27.0	SWSE 29.0	

PLACE OF USE (continued)

S36	SESE 39.0	
	NENE 39.0	NWNE 39.0
	SWNE 37.0	SENE 14.0
	NENW 33.0	NWNW 2.1
	SWNW 39.0	SENW 39.0
	NESW 30.0	NWSW 39.0
	SWSW 19.0	SESW 1.7
	NWSE 2.9	

1305.2 Acres Total

Stockwater Within Gem County
Same as Irrigation from Storage

Diversion to Storage Within Gem County
Same as Irrigation from Storage

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 447 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1305.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02499, 65-02498, 65-12382, 65-02025, 65-02953, 65-02016.

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

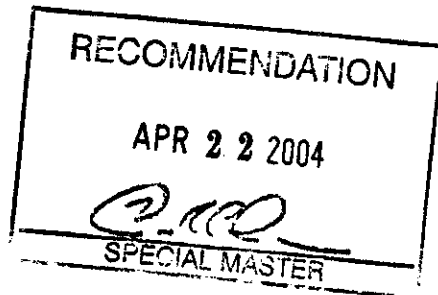
Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code Section 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 65-07061

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 22, 2004, with sufficient first-class postage prepaid to the following:

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

IDAHO DEPARTMENT OF LANDS
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

UNITED STATES OF AMERICA
Represented by:
DAVID NEGRI
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
04/22/04

UNITED STATES OF AMERICA

Represented by:

DAVID W GEHLERT

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATRUAL RESOURCE

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

DAVID LITTLE FARMS, INC

Represented by:

JOHN K. SIMPSON

205 N 10TH ST, STE 520

PO BOX 2139

BOISE, ID 83701-2139

Phone: 208-336-0700

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

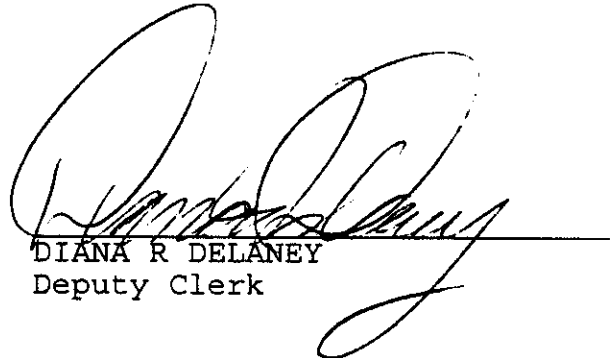
BOISE, ID 83724

VAN DEUSEN RANCH INC

PO BOX 68

EMMETT, ID 83617

Phone: 208-365-2220



DIANA R DELANEY
Deputy Clerk

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

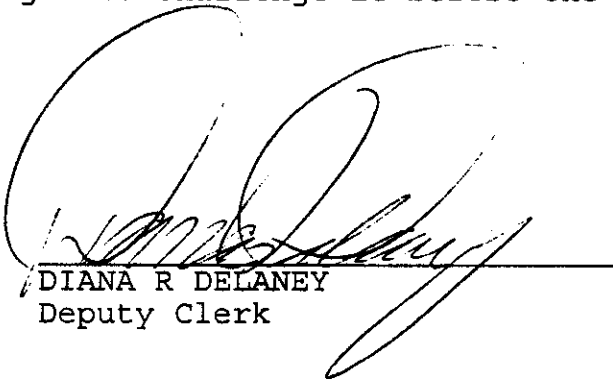
Water Right(s): 65-07061

On April 22, 2004, Special Master JOHN M MELANSON issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED April 22, 2004.



DIANA R DELANEY
Deputy Clerk