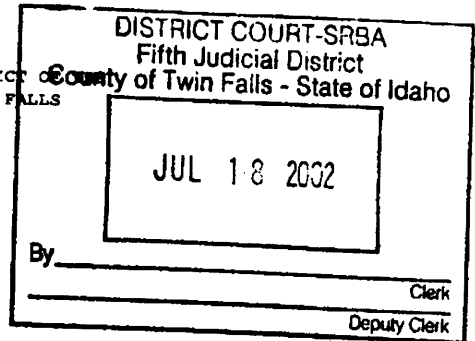


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS



In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-13323

NAME AND ADDRESS: CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA, CA 93105

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER

QUANTITY: 1.62 CFS
324.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.62 CFS. COMBINED RIGHT NOS.:
35-07138, 35-13323

PRIORITY DATE: 05/01/1887

POINT OF DIVERSION: T04S R32E S24 SWNE Within Bingham County
SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.62 CFS 324.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T04S R32E S24	
	SWNE 4.0	SENE 1.0
	NESW 24.0	NWSW 7.0
	SESW 21.0	NESE 1.0
	NWSE 23.0	
	81.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 81 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 35-7138, 35-13323

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.

Roger Burdick
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 JUL 18 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): 35-13323

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 35-13323 was mailed
on July 18, 2002, with sufficient first-class postage prepaid
to the following:

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

CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA, CA 93105

ROBBIN GLATZ
Chief Deputy Clerk

RECEIVED

JUL 19 2002

Department of Water Resources

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 18 2002	
By _____	Clerk
_____	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

)
) **ORDER OF PARTIAL DECREE**
)
) **For Water Right 35-13323**
)

On May 1, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. 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 wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-13323 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED July 18, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

05/14/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 35-13323 MODIFIED PER TRANSFER 69365

NAME AND ADDRESS: CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA CA 93105

SOURCE: UNNAMED STREAM

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.62 CFS
324.0 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.62 CFS. COMBINED RIGHT NOS.: 35-07138,
35-13323

PRIORITY DATE: 05/01/1887

POINT OF DIVERSION:

T04S R32E S24 SWNE Within BINGHAM County

T04S R32E S24 SESW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.620 CFS 324.00 AFY

PLACE OF USE: IRRIGATION Within BINGHAM County

T04S R32E S24	SWNE	4.0	T04S R32E S24	SENE	1.0
T04S R32E S24	NESW	24.0	T04S R32E S24	NWSW	7.0
T04S R32E S24	SESW	21.0	T04S R32E S24	NESE	1.0
T04S R32E S24	NWSE	23.0			

81 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 81 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-7138,
35-13323

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. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

SOURCE IS ALSO KNOWN AS BOOM CREEK, BOONE CREEK.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425,
IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO
SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION
42-1425, IDAHO CODE.
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 35-00007.

02/25/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 35-13323 MODIFIED PER TRANSFER 69365

NAME AND ADDRESS: CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA CA 93105

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER

QUANTITY: 1.620 CFS
324.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.62 CFS. COMBINED RIGHT NOS.: 35-07138,
35-13323

PRIORITY DATE: 05/01/1887

POINT OF
DIVERSION: T04S R32E S24 SWNE Within BINGHAM County
T04S R32E S24 SESW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.620 CFS 324.00 AFY

PLACE OF USE: IRRIGATION Within BINGHAM County

T04S R32E S24	SWNE	4.0	T04S R32E S24	SENE	1.0
T04S R32E S24	NESW	24.0	T04S R32E S24	NWSW	7.0
T04S R32E S24	SESW	21.0	T04S R32E S24	NESE	1.0
T04S R32E S24	NWSE	23.0			

81 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 81 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 35-7138, 35-13323

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. SECTION
42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Source is also known as Boom Creek, Boone Creek.
Right includes accomplished change in source pursuant to Section 42-1425,
Idaho Code.
Right includes accomplished change in point of diversion pursuant to
Section 42-1425, Idaho Code.
Right includes accomplished change in place of use pursuant to Section 42-
1425, Idaho Code.
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 35-00007.

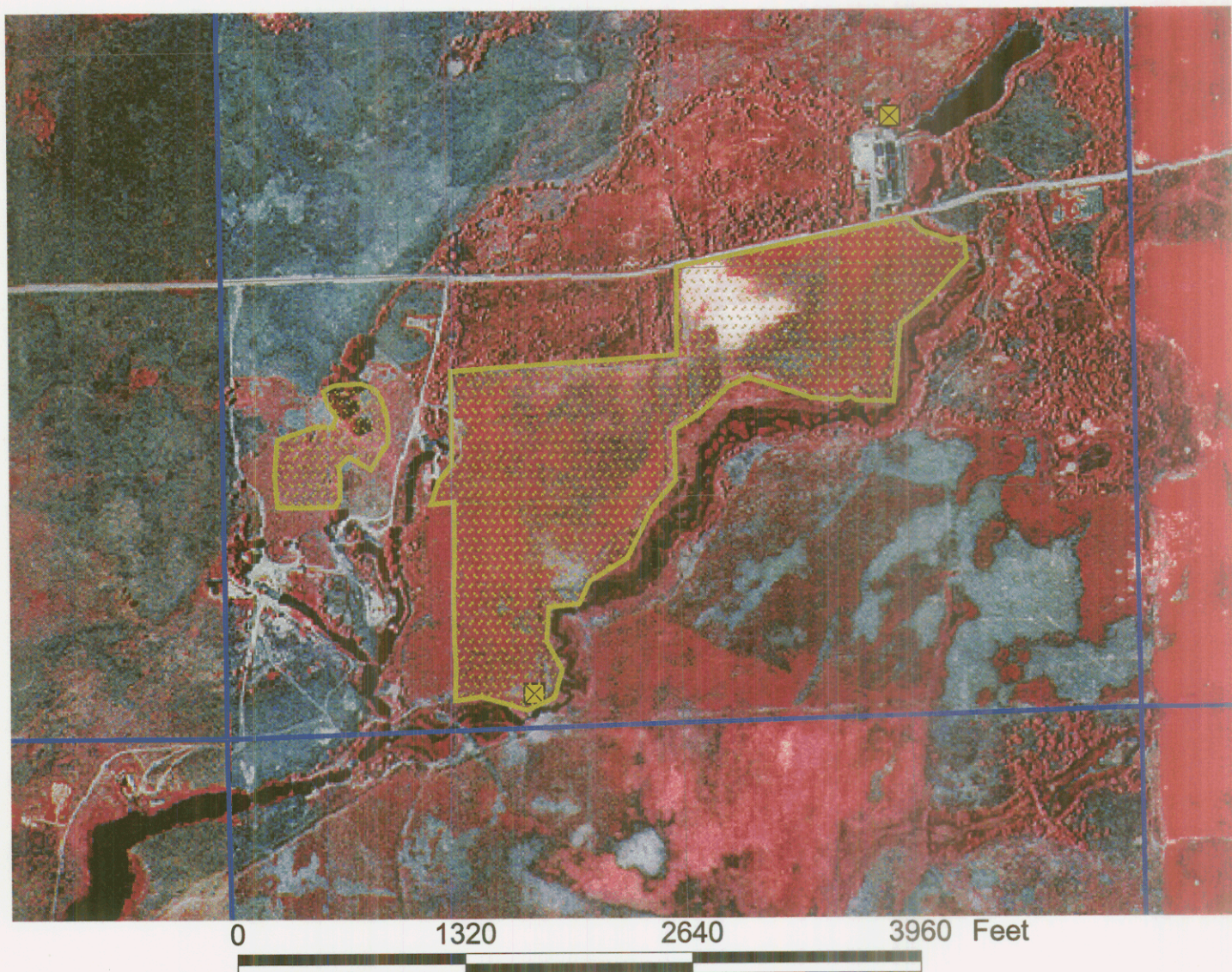
A3513323





Department of Water Resources

Claim No.: 35-13323



Irrigated Acres = 131

-  Water rights.shp
-  Pod.shp
-  GCDBT04S32E.shp
-  Sections



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: March 2002