

**DEPARTMENT OF
WATER RESOURCES**

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2009 OCT 16 AM 9 22

**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 DECREES

**Subcases: 45-14169 & 45-14170
(Oak Valley Land Co. LLC)**

On April 7, 2009, a *Special Master's Report and Recommendation* was filed for water right number 45-04124. 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.

On April 21, 2009, a *Notice of Completed Administrative Proceeding* together with an *Amended Director's Report* was filed for the above-captioned water rights notifying the Court that water right 45-04124 had been split into water rights **45-14169** and **45-14170**. No Challenges were filed to the *Notice of Completed Administrative Proceedings* or the *Amended Director's Reports* and the time for filing Challenges has now expired.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED October 14, 2009

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

DISTRICT COURT FORBA
TWIN FALLS CO. IDAHO
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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	NESW 32.4	NWSW 31.6
	SWSW 31.8	SESW 32.5
	NESE 8.9	NWSE 18.4
	SWSE 34.8	SESE 18.8
S15	NENE 33.4	NWNE 33.1
	SWNE 33.7	SENE 33.5
	NESE 33.7	NWSE 33.2
	SWSE 33.0	SESE 33.0
S22	NENE 33.8	NWNE 32.5
	SWNE 31.8	SENE 32.6
	NESE 34.5	NWSE 33.7
	SWSE 32.4	SESE 31.3
S23	NENE 33.2	NWNE 32.9
	SWNE 33.7	SENE 33.3
	NENW 34.3	NWNW 33.3
	SWNW 33.5	SENE 33.4
	NESW 33.6	NESW 33.3
	NWSW 33.1	SWSW 33.0
	SESW 32.7	NWSE 33.1
	SWSE 33.3	SESE 32.8
S24	NENE 29.2	NWNE 33.3
	SWNE 3.7	SWNW 0.3
	SENE 0.1	NESW 24.7
	NWSW 10.1	SWSW 34.0
	SESW 27.7	NESE 4.5
	NWSE 36.8	SWSE 36.1
	SESE 4.6	
R22E S17	NESW 33.7	NWSW 33.3
	SWSW 33.0	SESW 33.3
	NESE 33.2	NWSE 33.3
	SWSE 33.6	SESE 33.3
S18	NESE 33.4	NWSE 33.7
	SWSE 33.7	SESE 33.4
S19	NENE 39.7	NWNE 40.4
	SWNE 40.7	SENE 39.8
	NENW 40.5	LOT 1 (NWNW) 32.5
LOT 2	(SWNW) 33.3	SENE 40.7
	NESW 40.6	LOT 3 (NWSW) 34.8
	SESW 40.4	NESE 38.9
	NWSE 40.6	SWSE 40.4
	SESE 40.0	
S20	NENE 32.5	NWNE 32.6
	SWNE 32.6	SENE 32.5
	NENW 33.2	NWNW 33.0
	SWNW 33.1	SENE 33.3
	NESW 40.4	NWSW 39.8
	SWSW 39.8	SESW 40.6
	NESE 33.2	NWSE 33.7
	SWSE 33.4	SESE 33.0

3844.4 Acres Total

USE OF RIGHT NOS. 45-14167, 45-14169, 45-13928 & 45-13930 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 494.8 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3,822.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-13924, 45-13926, 45-13928, 45-13930, 45-13932, 45-13934, 45-13936, 45-13938, 45-13940, 45-13942, 45-13944, 45-14167 AND 45-14169.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

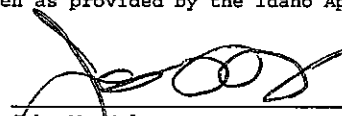
FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF THE TRANSFER.

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY THIS TRANSFER WITHIN ONE YEAR OF THE DATE OF THIS APPROVAL.

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

DISTRICT COURT SRBA
TWIN FALLS CO. IDAHO
FILED
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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 45-14170

NAME AND ADDRESS: OAK VALLEY LAND CO LLC
4109 HIDDEN LAKES DR
KIMBERLY, ID 83341

SOURCE: GROUND WATER

RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS
OF SECTION 42-235, IDAHO CODE AND APPLICABLE WELL CONSTRUCTION
RULES OF THE DEPARTMENT.

QUANTITY: 0.06 CFS
12.00 AFY

USE OF RIGHT NOS. 45-14168, 45-14170, 45-13929 & 45-13931 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.4 CFS AND TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 102.4 AF.

THE RIGHT HOLDER SHALL RECORD THE QUANTITY OF WATER DIVERTED
AND ANNUALLY REPORT DIVERSIONS OF WATER AND/OR OTHER PERTINENT
HYDROLOGIC AND SYSTEM INFORMATION AS REQUIRED BY SECTION 42-701,
IDAHO CODE.

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE
NO MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE AT
THE FIELD HEADGATE FOR IRRIGATION OF THE LANDS HEREIN.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER RIGHTS 45-13923, 45-13925, 45-13927, 45-13929,
45-13931, 45-13933, 45-13935, 45-13937, 45-13939, 45-13919,
45-13921, 45-14168 AND 45-14170 SHALL NOT EXCEED 3.09 CFS, NOR
A TOTAL COMBINED ANNUAL VOLUME OF 920.5 AF.

PRIORITY DATE: 08/20/1959

POINT OF DIVERSION: T11S R21E S22 NWNWNW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.06 CFS 12.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T11S R21E S22	NENW 33.2 NWNW 33.8 SNNW 33.8 SENN 33.2 NESW 33.6 NWSW 33.3 SWSW 33.3 SESW 32.9
	267.1 Acres Total	

USE OF RIGHT NOS. 45-14168, 45-14170, 45-13929 & 45-13931 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.2 ACRES IN
A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 267.1 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-13923, 45-13925, 45-13927, 45-13929,
45-13931, 45-13933, 45-13935, 45-13937, 45-13939, 45-13921,
45-14168, AND 45-14170.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

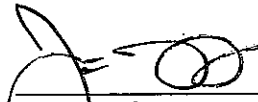
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THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on October 16, 2009, with sufficient first-class postage to the following:

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

OAK VALLEY LAND CO LLC
4109 HIDDEN LAKES DR
KIMBERLY, ID 83341

ORDER

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FILE COPY FOR 00475

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is positioned to the right of the printed text "Deputy Clerk".