

Fifth Judicial District
 County of Twin Falls - State of Idaho
 MAY - 5 2010
 By _____ Clerk
 _____ Deputy Clerk

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MAY 06 2010

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY - 5 2010

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-07754

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: GARY A DE MOSS
HELEN DE MOSS
PO BOX 61
BLISS, ID 83314

SOURCE: DRY CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 3.23 CFS
2504.00 AFY

The direct flow irrigation use described by rights 37-2778,
37-7754, and 37-22168 when combined shall not exceed a total
annual maximum diversion volume of 2001 AF at the field
headgate.
All storage uses described by rights 37-856, 37-857, 37-2778,
37-2780 and 37-7754 when combined shall not exceed the reservoir
storage capacity of 4365 acre-feet.

PRIORITY DATE: 12/14/1978

Pursuant to a call in times of scarcity, the diversion to
storage from November 1 to March 31 is not subject to
curtailment by Water Right Nos. 37-238A, 37-239A, 37-239D,
37-240A, 37-240D, 37-447C, 37-447D, 37-607D, 37-608D, 37-1160,
37-1175, 37-4091 and 37-11131.

POINT OF DIVERSION: T04S R14E S06 SENESE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 11-01	3.23 CFS
			939.00 AFY
Irrigation Storage		01-01 TO 12-31	1565.00 AFY
Irrigation from Storage		04-01 TO 11-01	1565.00 AFY
Diversion to Storage		01-01 TO 12-31	3.23 CFS

PLACE OF USE:	Irrigation	Within Gooding County
T05S R13E S03 LOT 4	(NWNW) 28.0	SWNW 32.0
	NWSW 36.0	
S04 LOT 1	(NENE) 25.0	LOT 2 (NWNW) 1.0
	SWNE 11.0	SENE 40.0
	NESW 27.0	SESW 40.0
	NESE 38.0	NWSE 34.0
	SWSE 39.0	SESE 21.0
S09	NWNE 32.0	SWNE 38.0
	SENE 19.0	NENW 34.0
	NWNW 18.0	SENW 40.0
	NESW 40.0	SESW 40.0
	NWSE 25.0	SWSE 18.0
S16	NWNE 13.0	NENW 40.0
	NWNW 39.0	SWNW 30.0
	SENW 10.0	
808.0 Acres Total		

Irrigation from Storage Within Gooding County
Same as Irrigation

The direct flow irrigation use described by this right is

PLACE OF USE (continued)

limited to the irrigation of 313 acres within the place of use described above in a single irrigation season. Irrigation from storage is not limited but currently confined to the place of use described above.

The direct flow irrigation use described by rights 37-2778, 37-7754, 37-21961, 37-21962 and 37-22168 when combined is limited to the irrigation of 639 acres.

The direct flow irrigation use described by rights 37-2778, 37-7754, 37-21961 and 37-21962 when combined shall not exceed the irrigation of 555 acres.

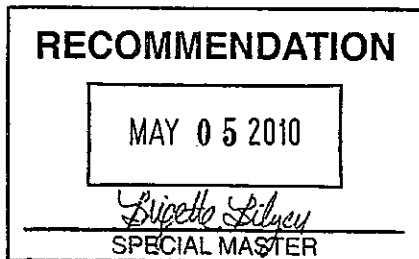
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right is subject to the terms of the Agreement Between Gary A. and Helen DeMoss and Northside Canal Company Regarding Water Rights 37-856, 37-2778, 37-2780, 37-7754, executed October 5, 2007, and recorded in Gooding County, Idaho on October 19, 2007 (Instrument No. 223865).

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.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

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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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

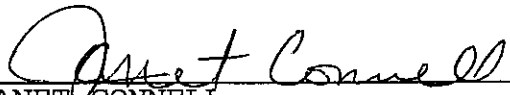
Water Right(s): 37-07754

On May 05, 2010, Special Master BRIGETTE BILYEU
issued a ^{Amended} 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 May 05, 2010.


JANET CONNELL
Deputy Clerk

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In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 37-07754

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ^{Amended} 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 May 05, 2010, with sufficient first-class postage prepaid to
the following:

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

GARY & HELEN DEMOSS
GARY A DE MOSS
HELEN DE MOSS

Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

CC: Gary + Helen DEMOSS


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/05/10