

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

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October 23, 2014

Mr. Gary L. Spackman, Director
Idaho Dept. of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED

OCT 27 2014

DEPARTMENT OF
WATER RESOURCES

Re: Micky Vanhulle - Water Right No. 37-7064E

Dear Gary:

I represent Ms. Micky Vanhulle who is currently under contract to purchase from the Federal Home Loan Mortgage Corporation a 30-acre parcel along Highway 75 south of Bellevue, Idaho. Prior to retaining our services, Ms. Vanhulle called the Department to inquire about water rights appurtenant to the parcel. Enclosed you will find a copy of the October 22, 2014 letter to Ms. Vanhulle from Sandra Thiel in your Water Allocation Bureau. This letter is a response to the Department's position stated in that letter that, "Since surface water is no longer available, right 37-7064E may not be used as is."

First, a brief review of the SRBA proceedings for the appurtenant water rights is in order. In February, 2007 the Department recommended both Water Rights 37-102B and 37-7064E for the irrigation of 25.3 acres within the parcel then owned by the Bill and Betty Grant Living Trust. In November, 2007, a group of individuals calling themselves the Concerned Water Users, represented by Al Barker, and the Big Wood Canal Company represented by Greg Hobdey, filed an objection to the recommendation for 37-102B asserting that the water right had been forfeited for non-use or abandoned and, thus, should not exist. Importantly, NO objections were filed to the recommendation for 37-7064E. Mr. and Mrs. Grant retained Fritz Haemmerle and appropriate responses were filed in Subcase 37-102B. In May, 2010, the Subcase was referred to Special Master Booth and an initial hearing, status conference and scheduling conference were held. In April, 2011, the first trial scheduling order was issued by Special Master Booth at which time uncontested Water Right No. 37-7064E was combined with 37-102B for trial.

Over the next two years more status conferences were held. Then, in June, 2013, Mr. Haemmerle filed a motion to withdraw as attorney of record for the Grants after he discovered that his clients had lost the property in foreclosure proceedings. On June 20, 2013, Mr. Haemmerle's motion was granted and copies were duly served on the Grants and Federal Home Loan Mortgage Corporation. Neither the Grants nor Federal Home Loan Mortgage Corporation filed an additional written appearance or any other document in response to this order. So, on August 13, 2013, Special Master Booth issued his Report and Recommendation that 37-102B be disallowed. At the same time, Special Master Booth issued a Report and Recommendation for 37-7064E that it be decreed as it was originally recommended by the Department. I am enclosing copies of both of these Special Master Reports and Recommendations. Of note is the statement in the report for 37-7064E, which I have highlighted, that:

Mr. Gary L. Spackman
October 23, 2014
Page 2

No objections were filed to this water right claim. However, the claim was withheld from the issuance of a partial decree for the reason that the uncontested may be affected by the outcome of contested water right claim 37-102B.

Special Master Booth then noted that 37-102B was recommended to be disallowed but, nonetheless, 37-7064E should be decreed as it was recommended. Orders of Partial Decree for these two water rights were then issued by Judge Wildman on October 1, 2013 (copies enclosed). Notwithstanding the fact that 37-102B was disallowed, the Partial Decree for 37-7064E includes the "supplemental ground water right conditions" cited by Ms. Theil in her letter to my client.

I respectfully disagree with Ms. Theil's statement that these conditions prevent 37-7064E from being used because "surface water is no longer available". The surface water right that was appurtenant to the place of use at the commencement of the SRBA proceedings (37-102B) was not "sold, transferred, leased or used on any other place of use." Instead, Judge Wildman simply ordered that 37-102B be disallowed. It was never "transferred" or "used on any other place of use". The Order disallowing 37-102B and the Order of Partial Decree for 37-7064E were signed by Judge Wildman on the same day. Judge Wildman MUST have been aware that the result of these two Orders was to decree 37-7064E as the ONLY valid water right appurtenant to the place of use in question. Notwithstanding the other provisions included in the Partial Decree for 37-7064E, that water right was thus decreed as the sole and primary water right for the irrigation of the 25.3 acre place of use.

Therefore, I am asking that the Department provide appropriate instructions to the Water Master for Water District 37 that this water right is to be administered as the sole and primary water right to irrigate this property. My client is in the process of completing her due diligence before closing the purchase of the property. It is important to resolve this issue as soon as possible. Please contact me right away to discuss this issue.

Thank you.

Sincerely,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures
cc: Client w/encl.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

October 22, 2014

MICKY VANHULLE
PO BOX 597
DUVALL WA 98099

Re: Water Right 37-7064E

Dear Ms VanHulle:

On October 10, 2014 you called the Idaho Department of Water Resources (IDWR) about two water rights that are appurtenant to a property near Bellevue Idaho. You indicated that you want to know the status of the water rights before purchasing the property. As we discussed, right 37-102B from the Big Wood River for irrigation was disallowed in the Snake River Basin Adjudication (SRBA). It is no longer a valid water right. Right 37-7064E for ground water was decreed by the SRA court on October 1, 2013 with the following conditions:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

These conditions make it clear that right 37-7064E is a supplemental water right. A supplemental right can provide additional water in conjunction with a primary source, or it can be used at times of the year when the primary source is unavailable, such as during a priority cut. However, supplemental rights are not authorized to be used exclusively.

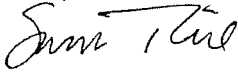
Since surface water is no longer available, right 37-7064E may not be used as is. It might be possible, however, to transfer this right so that it may be used as a primary source. An application for transfer proposing to change a supplemental irrigation right to use as a primary right for irrigation is usually presumed to be an enlargement of the supplemental right, which IDWR cannot authorize. An exception might be made when the applicant can clearly demonstrate, using historical diversion records, that there would be no enlargement of the water right being changed. This usually requires reducing the total land area irrigated so that the future consumptive use of ground water matches the historic consumptive use contributed by the supplemental ground water right.

The extent of ground water use can be determined by looking at cropping patterns, power records for the diversion pump, curtailment dates for the surface water during five consecutive years when both the Big Wood River water and ground water were both used on the property, and other related data sources. An analysis of the crops can determine the evapotranspiration, or consumptive use, during the time when both sources were used for irrigation. Pumping records can help determine the amount of ground water used for irrigation. There are a number of consultants in Idaho who could help you conduct the analysis necessary to file the transfer application.

According to water master records the last year that water was delivered for surface water right 37-102B was 2006. During our phone conversation you said that there is no ditch to the property and that the only source of water is the well for the past eight years. The pump or crop records needed for the analysis should include five consecutive years before 2006.

Please contact me if you have any other questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Thiel". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Sandra Thiel, Sr. Water Resource Agent
Water Allocation Bureau

RECEIVED

AUG 14 2013
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 13 2013
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	) Subcase 37-00102B
	)
Case No. 39576	) SPECIAL MASTER'S REPORT AND
	) RECOMMENDATION OF
	) DISALLOWANCE
_____	)

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

On November 14, 2007, the Big Wood Canal Company and the Concerned Water Users, through their respective attorneys Craig Hobdey and Albert P. Barker, filed an objection to the *Director's Report*, asserting that the water right should be disallowed. On June 20, 2013, this Special Master issued an *Order Granting Motion to Withdraw*, which allowed Fritz X. Haemmerle, the attorney for the claimant Bill and Betty Grant Living Trust, to withdraw as attorney of record. The *Order* stated:

If the Claimant or new owner fails to file and serve an additional written appearance in the action either in person or through a newly appointed attorney within such 20 day period, such failure shall be sufficient ground for entry of default and default judgment against such party or dismissal of the action of such party, with prejudice, without further notice, which shall be stated in the order of the court.

After the expiration of the 20 day period stated in the *Order*, the court held a status conference in the matter on July 30, 2013. Neither the claimant of the water right nor any new owner of the real property to which the water right claim pertains has appeared in the action, either in writing or in person at the status conference. Therefore based on the file and record

herein and pursuant to the *Order Granting Motion to Withdraw*, IT IS RECOMMENDED that the SRBA District Court enter a final order **disallowing** water right claim 37-00102B with prejudice.

Dated Aug. 13, 2013

Theodore R. Booth
Theodore R. Booth
Special Master
Snake River Basin Adjudication

AUG 14 2013
DEPARTMENT OF
WATER RESOURCES

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

AUG 13 2013

By _____ Clerk

Deputy Clerk

In Re SRBA
Case No. 39576

Water Right(s): 37-00102B

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.


DIANA R DELANEY
Deputy Clerk

RECEIVED

AUG 14 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 13 2013	
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

CERTIFICATE OF MAILING

Water Right(s): 37-00102B

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 August 13, 2013, with sufficient first-class postage prepaid to the following:

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

FEDERAL HOME LOAN MORTGAGE
CORPORATION
500 PLANO PARKWAY
CARROLLTON, TX 75010-4902

CERTIFICATE OF MAILING

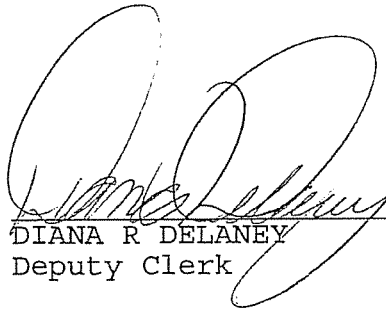
PAGE 1
08/13/13

BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA

Represented by:
ALBERT P BARKER
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BIG WOOD CANAL COMPANY
Represented by:
CRAIG D HOBDEY
HOBDEY LAW OFFICE PLLC
125 5TH AVE
PO BOX 176
GOODING, ID 83330-0176
Phone: 208-934-4429

BILL & BETTY GRANT LIVING
TRUST
PO BOX 370
HAILEY, ID 83333
Phone: 208-788-2566



DIANA R DELANEY
Deputy Clerk

RECEIVED

OCT 02 2013

DEPARTMENT OF
WATER RESOURCES

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
Fifth Judicial District
County of Twin Falls - State of Idaho
OCT - 1 2013
By _____ Clerk
Deputy Clerk

In Re SRBA)

Case No. 39576)

FINAL ORDER DISALLOWING
WATER RIGHT CLAIM

WATER RIGHT: 37-00102B
(Bill & Betty Grant Living Trust)

On August 13, 2013, a *Special Master's Report and Recommendation* was filed for the above water right claim, recommending said water right claim not be decreed and the claim be dismissed with prejudice. No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing challenges has expired.

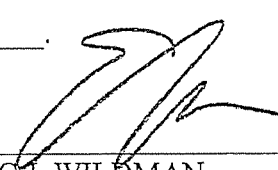
Pursuant to I.R.C.P. 53(e) (2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above water right claim is hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

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.

DATED October 1, 2013


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

FINAL ORDER DISALLOWING WATER RIGHT CLAIM

CERTIFICATE OF MAILING

I certify that a true and correct copy of the FINAL ORDER
DISALLOWING WATER RIGHT CLAIM was mailed on October 01, 2013,
with sufficient first-class postage to the following:

FEDERAL HOME LOAN MORTGAGE
CORPORATION
500 PLANO PARKWAY
CARROLLTON, TX 75010-4902

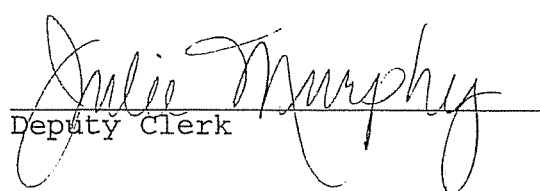
BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA

Represented by:
ALBERT P BARKER
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BIG WOOD CANAL COMPANY
Represented by:
CRAIG D HOBDEY
HOBDEY LAW OFFICE PLLC
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PO BOX 176
GOODING, ID 83330-0176
Phone: 208-934-4429

BILL & BETTY GRANT LIVING
TRUST
PO BOX 370
HAILEY, ID 83333
Phone: 208-788-2566

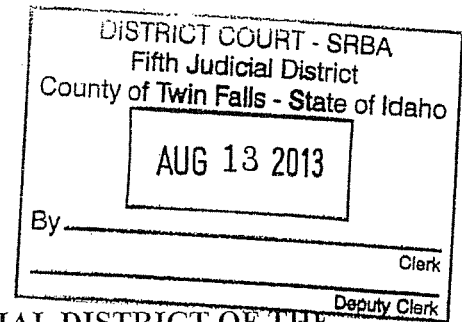
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



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AUG 14 2013

DEPARTMENT OF
WATER RESOURCES



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) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 37-07064E

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

No objections were filed to this water right claim. However, the claim was withheld from the issuance of a partial decree for the reason that the uncontested claim may be affected by the outcome of contested water right claim 37-00102B. A *Special Master's Report and Recommendation of Disallowance* for water right claim 37-00102B is being issued contemporaneously herewith.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 37-07064E be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Aug. 13, 2013

Theodore R. Booth
Theodore R. Booth
Special Master
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 37-07064E

NAME AND ADDRESS: BILL & BETTY GRANT LIVING
TRUST
PO BOX 370
HAILEY, ID 83333

SOURCE: GROUND WATER

QUANTITY: 0.46 CFS
80.50 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands herein.

PRIORITY DATE: 04/21/1970

POINT OF DIVERSION: T01N R18E S25 SENW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	0.46 CFS 80.50 AFY

The use of water for irrigation under this right may begin as early as April 15, provided other elements of the right are not exceeded. The use of water before May 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: Irrigation T01N R18E S25 NENW 5.3 SENW 20.0
25.3 Acres Total Within Blaine County

Right Nos. 37-102B and 37-7064E are limited to the irrigation of a combined total of 25.3 acres in a single irrigation season. This right is limited to the irrigation of 23 acres within the place of use described above in a single irrigation season.

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

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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

RECOMMENDATION

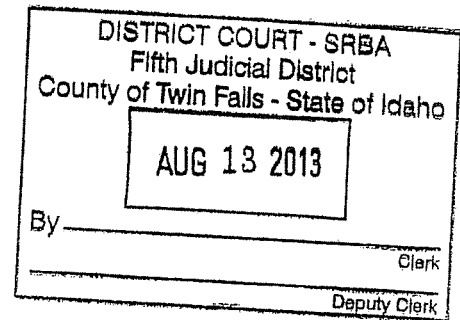
AUG 13 2013

David B. Smith
SPECIAL MASTER

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AUG 14 2013

DEPARTMENT OF
WATER RESOURCES



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): 37-07064E

On August 13, 2013, Special Master THEODORE R. BOOTH
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 August 13, 2013.

DIANA R. DELANEY
Deputy Clerk

RECEIVED

AUG 14 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 13 2013
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

CERTIFICATE OF MAILING

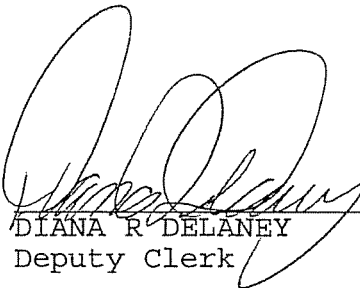
Water Right(s): 37-07064E

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 August 13, 2013, with sufficient first-class postage prepaid to the following:

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

BILL & BETTY GRANT LIVING
TRUST
PO BOX 370
HAILEY, ID 83333
Phone: 208-788-2566


DIANA R. DELANEY
Deputy Clerk

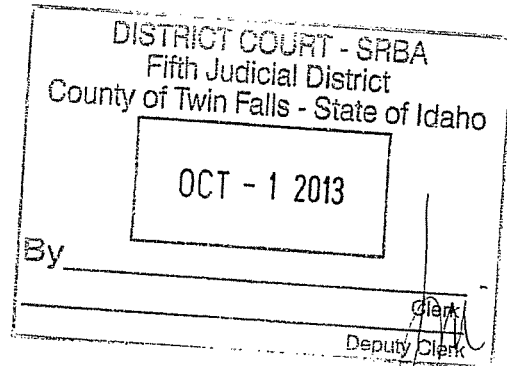
CERTIFICATE OF MAILING

PAGE 1
08/13/13

RECEIVED

OCT 02 2013

DEPARTMENT OF
WATER RESOURCES



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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	Subcase No. 37-07064E
	)	(Bill & Betty Grant Living Trust)
_____	)	

On August 13, 2013, a *Special Master's Report and Recommendation* was filed for the above-captioned 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 Recommendation* and wholly adopts them as its own.

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

DATED October 1, 2013.



ERIC J. WILDMAN
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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-07064E

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

OCT - 1 2013

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: BILL & BETTY GRANT LIVING
TRUST
PO BOX 370
HAILEY, ID 83333

SOURCE: GROUND WATER

QUANTITY: 0.46 CFS
80.50 AFY

This right when combined with all other rights shall provide no
more than .02 cfs per acre nor more than 3.5 afa per acre for
irrigation of the lands herein.

PRIORITY DATE: 04/21/1970

POINT OF DIVERSION: T01N R18E S25 SENW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	0.46 CFS 80.50 AFY

The use of water for irrigation under this right may begin as
early as April 15, provided other elements of the right are not
exceeded. The use of water before May 1 under this remark is
subordinate to all water rights having no subordinated early
irrigation use and a priority date earlier than the date a
partial decree is entered for this right.

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R18E S25 25.3 Acres Total	SENW 5.3 SENW 20.0

Right Nos. 37-102B and 37-7064E are limited to the irrigation of
a combined total of 25.3 acres in a single irrigation season.
This right is limited to the irrigation of 23 acres within the
place of use described above in a single irrigation season.

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

The right holder shall make full beneficial use of all surface
water rights available to the right holder for irrigation of the
lands authorized to be irrigated under this right. The right
holder shall limit the diversion of ground water under this
right to those times when the surface water supply is not
available or the surface water supply is not reasonably
sufficient to irrigate the place of use authorized under this
right.

If the surface water right appurtenant to the place of use is
sold, transferred, leased or used on any other place of use,
this right to divert ground water shall not be used without an
approved transfer pursuant to Section 42-222, Idaho Code, or
approval of the Department if a transfer is not required.

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

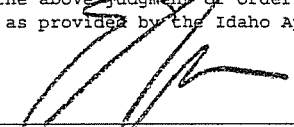
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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 of 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

2013 OCT 01 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): 37-07064E

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 37-07064E was mailed
on October 01, 2013, with sufficient first-class postage prepaid
to the following:

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

BILL & BETTY GRANT LIVING
TRUST
PO BOX 370
HAILEY, ID 83333
Phone: 208-788-2566

JULIE MURPHY
Chief Deputy Clerk