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APR 26 2012

DEPARTMENT OF
WATER RESOURCES

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

APR 25 2012

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 Nos. 02-00103

)

Case No. 39576

)

) ORDER OF PARTIAL DECREE

)

)

)

)

On January 13, 2012, the Special Master issued his *Order on Motions for Summary Judgment* in the above-captioned subcase. A *Special Master Report and Recommendation Re: Permissive Review* was subsequently issued, wherein the Special Master recommended that this Court grant permissive review limited to the issue of ownership of that amended portion of license no. 02-2209 that irrigates what the parties refer to as the Section 14 Lands. On March 22, 2012, the Court issued an *Order* granting permissive review in this matter.

On April 23, 2012, while on permissive review, the parties filed a *Stipulation* in the above-captioned matter providing the following as between the Cottonwood Mutual Canal Company ("Cottonwood") and Black Mesa Farms, LLC ("Black Mesa"):

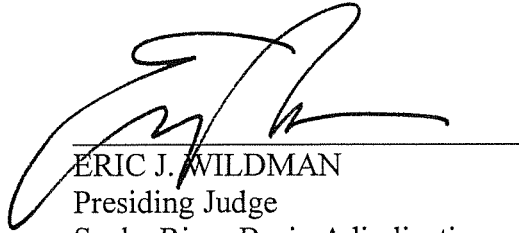
1. Cottonwood and Black Mesa shall each execute a Standard Form Five for claim no. 02-103 that shall set forth the elements of such water right
2. Black Mesa shall withdraw and renounce all objections and claims of interest whatsoever to water right no. 02-10300 and will not pursue its pending motion for permissive review of the Special Master's Order on Motions for Summary Judgment, provided that a partial decree for water right no. 02-103 is issued
3. To the extent applicable within the confines of paragraph 2 hereinabove, Black Mesa hereby agrees to execute a Standard Form Five for water right no. 02-10300 which shall result in the partial decree of water right no. 02-10300 to Cottonwood.

4. The parties hereto agree to execute such other documents as may be necessary to assure the partial decree of water right no. 02-103 to Black Mesa, and the partial decree of water right no. 02-10300 to Cottonwood.

On April 23, 2012, the parties filed a *Standard Form 5* ("SF5") resolving all *Objections* to water right claim 02-103 per the *Stipulation*. The Idaho Department of Water Resources concurred with the elements for the above-captioned water right claim set forth in the SF5. Therefore, this Court finds that the elements of the above-captioned water right claim should be decreed consistent with the SF5.

Therefore, IT IS HEREBY 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 April 25, 2012


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)
)
Water Right 02-00103

NAME AND ADDRESS: BRENDA BRYANT
DON J BRYANT
PO BOX 215
GLENN'S FERRY, ID 83623

CHRISTINE W WOOTAN
WESLEY R WOOTAN
PO BOX 636
GLENN'S FERRY, ID 83623

BLACK MESA FARMS LLC
PO BOX 82
GLENN'S FERRY, ID 83623

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

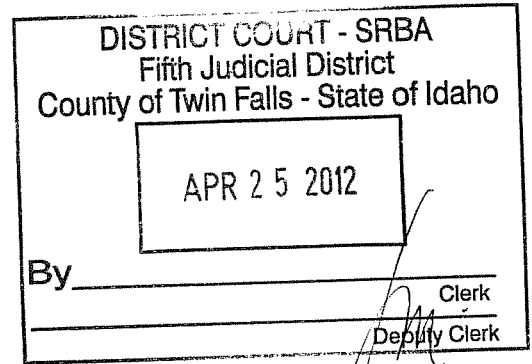
QUANTITY: 3.96 CFS

PRIORITY DATE: 05/10/1965

POINT OF DIVERSION: T06S R11E S09 LOT 6 (NWSW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		03-15 TO 11-15	3.96 CFS

PLACE OF USE:	Irrigation		Within Elmore County
	T06S R10E S01	NESW 35.0	SWSW 39.0
		SESW 40.0	NWSE 30.0
		SWSE 40.0	SESE 30.0
	S02	SESE 39.0	
	S11	NENE 40.0	SWNE 40.0
		SENE 39.0	NESW 40.0
		NWSW 40.0	SWSW 40.0
		SESW 40.0	NESE 39.0
		NWSE 40.0	SWSE 40.0
		SESE 40.0	
	S12	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 39.0
		SWNW 39.0	SENW 40.0
		NESW 40.0	NWSW 39.0
		SWSW 38.0	SESW 21.0
		NESE 40.0	NWSE 40.0
		SWSE 39.0	SESE 39.0
	S13	NENE 39.0	NWNE 39.0
		SWNE 40.0	SENE 40.0
		NENW 39.0	NWNW 39.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S14	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 39.0	NESE 39.0
		NWSE 30.0	



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

PLACE OF USE (continued)

S24	NENE 40.0	NWNE 39.0
	SWNE 40.0	SENE 40.0
	NESE 40.0	NWSE 40.0
RIIE S06 LOT 7	(SWSW) 10.0	
S07	NENE 25.0	NWNE 25.0
	SWNE 40.0	SENE 40.0
	NENW 30.0	LOT 1 (NWNW) 37.0
LOT 2	(SWNW) 37.0	SENW 40.0
	NESW 40.0	LOT 3 (NWSW) 38.0
LOT 4	(SWSW) 37.0	SESW 39.0
	NESE 40.0	NWSE 40.0
	SWSE 39.0	SESE 40.0
S17	NWNW 40.0	SWNW 40.0
	NWSW 40.0	
S18	NENE 38.0	NWNE 39.0
	SWNE 40.0	SENE 39.0
	NENW 39.0	LOT 1 (NWNW) 37.0
LOT 2	(SWNW) 38.0	SENW 40.0
	NESW 40.0	LOT 3 (NWSW) 38.0
LOT 4	(SWSW) 38.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	
S19 LOT 1	(NWNW) 39.0	LOT 2 (SWNW) 39.0
LOT 3	(NWSW) 39.0	
3948.0 Acres Total		

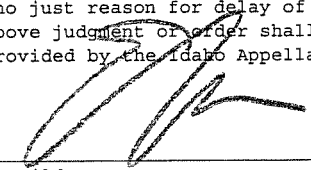
This right is limited to the irrigation of 198 acres within the place of use described above in a single irrigation season. Other water rights have been decreed with a place of use within portions of the decreed place of use for this water and water right 2-2209B. However, only water right nos. 2-103 and 2-2209B are currently beneficially used on the decreed place of use for this right and water right 2-2209B. No transfer or other administrative or judicial action affecting the place of use of any other water right shall affect the right to the use of water under this water right or water right no. 2-2209B at the above described place of use.

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.


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

2012 APR 25 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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s): 02-00103

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 02-00103 was mailed
on April 25, 2012, with sufficient first-class postage prepaid
to the following:

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

COTTONWOOD MUTUAL CANAL CO
Represented by:
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BOISE, ID 83701-2720
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JULIE MURPHY
Chief Deputy Clerk