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JUN 10 2010

DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |       |
|-------------------------------------------------------------------------------------------|-------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |       |
| JUN - 9 2010                                                                              |       |
| By _____                                                                                  | 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

)

ORDER OF PARTIAL DECREE

)

Case No. 39576

)

Subcase No. 37-00856

)

(DeMoss)

)

On April 13, 2010, 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

June 9, 2010

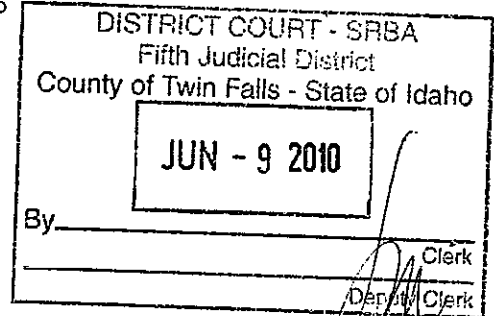
  
ERIC J. WILDMAN  
Presiding Judge  
Snake River Basin Adjudication

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 37-00856



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

SOURCE: DRY CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 32.00 CFS  
760.00 AFY

The reservoir may be refilled multiple times in a single year.  
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: 02/01/1917

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 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 Storage      | 01-01 TO 12-31 | 760.00 AFY |
|                            | Irrigation from Storage | 04-01 TO 10-31 | 760.00 AFY |
|                            | Stockwater Storage      | 01-01 TO 12-31 | 15.00 AFY  |
|                            | Stockwater from Storage | 04-01 TO 10-31 | 15.00 AFY  |
|                            | Diversion to Storage    | 01-01 TO 12-31 | 32.00 CFS  |

| PLACE OF USE: | Irrigation from Storage         | 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 (NWNE) 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             |
|               | SENE 10.0                       |                       |
|               | 808.0 Acres Total               |                       |

|  | Stockwater from Storage    | Within Gooding County |
|--|----------------------------|-----------------------|
|  | T05S R13E S03 LOT 4 (NWNW) | SWNW                  |
|  | NWSW                       |                       |
|  | S04 LOT 1 (NENE)           | LOT 2 (NWNE)          |
|  | SWNE                       | SENE                  |
|  | NESW                       | SESW                  |
|  | NESE                       | NWSE                  |

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

PLACE OF USE (continued)

|     |      |      |
|-----|------|------|
| S09 | SWSE | SESE |
|     | NWNE | SWNE |
|     | SENE | NENW |
|     | NWNW | SENW |
|     | NESW | SESW |
|     | NWSE | SWSE |
| S16 | NWNE | NENW |
|     | NWNW | SENW |
|     | SENW |      |

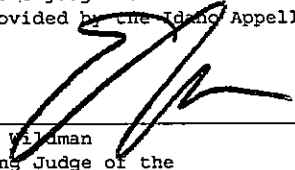
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

2010 JUN 09 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): 37-00856

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 37-00856 was mailed  
on June 09, 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

JULIE MURPHY  
Chief Deputy Clerk