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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN - 2 2010	
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

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)
)

ORDER OF PARTIAL DECREE

Case No. 39576

Subcase No. 37-02778
(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 I*, 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 2, 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 37-02778

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN - 2 2010	
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: 80.00 CFS
1936.00 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: 02/26/1957

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 10-31	4.84 CFS
			726.00 AFY
Irrigation Storage		01-01 TO 12-31	1210.00 AFY
Irrigation from Storage		04-01 TO 10-31	1210.00 AFY
Diversion to Storage		01-01 TO 12-31	80.00 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
	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
	SENE 19.0	SWNE 38.0
	NENW 34.0	
S16	NWNW 18.0	SENE 40.0
	NESW 40.0	SESW 40.0
	NWSE 25.0	SWSE 18.0
	NWNE 13.0	NENW 40.0
	NWNW 39.0	SWNW 30.0
	SENE 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 242 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 irrigaiton use described by rights 37-2778, 37-7754, 37-21961 and 37-21962 when combined shall not exceed the irrigaion of 555 acres.

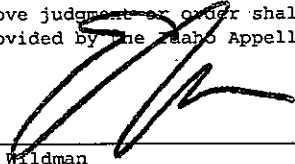
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

2010 JUN 02 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): 37-02778

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 37-02778 was mailed
on June 02, 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

CERTIFICATE OF MAILING

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06/02/10