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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 29 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

Case No. 39576

ORDER OF PARTIAL DECREES

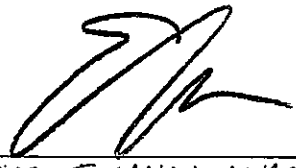
Subcases: 37-00737B & 37-00780B
(Molyneux)

On November 9, 2009, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. 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 wholly adopts them as its own.

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

DATED January 29, 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 37-00737B

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

JAN 29 2010

By

Clerk

Deputy Clerk

NAME AND ADDRESS:

C E MOLYNEUX
080 LAIDLAW PK RD
CAREY, ID 83320

SOURCE:

FISH CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY:

0.70 CFS

Irrigation use of this right with 37-780B is limited to a total combined diversion rate of 1.0 cfs and to a total combined annual diversion volume of 140 AF. The water right holder is entitled to this combined amount of water at a point where the water enters the irrigation place of use described below. Any pro rata reduction of water right nos. 37-737B and 37-780B during periods of water shortage shall be calculated as if the water right holder is entitled to divert a combined flow rate of 1.5 cfs for irrigation. The water master will only reduce the combined irrigation flow rate below 1.0 cfs by an amount equal to the amount that a water right which authorized diversion of 1.5 cfs would be reduced to less than 1.0 cfs.

PRIORITY DATE:

03/30/1883

POINT OF DIVERSION:

T01N R22E S33 SENESE Within Blaine County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-15 TO 10-15	0.50 CFS

The additional 0.20 cfs of the total diversion rate of this right shall be delivered to the Hot Springs Canal for conveyance use during the irrigation season pursuant to transfer no. 3922. The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late 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
T01S R22E S15	SWSW 35.0'
S16	SESE 35.0'
70.0 Acres Total	

Irrigation use of this right with right no. 37-780B is limited to the irrigation of a combined total of 70 acres in a single irrigation season. Conveyance use of this right is in the Hot Springs Canal pursuant to transfer No. 3922.

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

Right Nos. 37-737B and 37-780B are subject to the conditions of the Second Amended Final Order (dated 04-14-1998) in the matter of the Application for Transfer No. 3922.

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

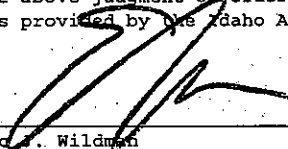
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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 R. Wildman
Presiding Judge of the
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 37-00780B

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

JAN 29 2010

NAME AND ADDRESS:

C E MOLYNEUX
080 LAIDLAW PK RD
CAREY, ID 83320

SOURCE:

FISH CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY:

0.80 CFS

By _____

Clerk

Deputy Clerk

Irrigation use of this right with 37-737B is limited to a total combined diversion rate of 1.0 cfs and to a total combined annual diversion volume of 140 AF. The water right holder is entitled to this combined amount of water at a point where the water enters the irrigation place of use described below.

Any pro rata reduction of water right nos. 37-737B and 37-780B during periods of water shortage shall be calculated as if the water right holder is entitled to divert a combined flow rate of 1.5 cfs for irrigation. The water master will only reduce the combined irrigation flow rate below 1.0 cfs by an amount equal to the amount that a water right which authorized diversion of 1.5 cfs would be reduced to less than 1.0 cfs.

PRIORITY DATE:

03/30/1883

POINT OF DIVERSION:

T01N R22E S33

SENESE Within Blaine County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-15

QUANTITY
0.50 CFS

The additional 0.30 cfs of the total diversion rate of this right shall be delivered to the Hot Springs Canal for conveyance use during the irrigation season pursuant to transfer no. 3922.

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late 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

T01S R22E S15 SWSW 35.0
S16 SESE 35.0
70.0 Acres Total

Irrigation use of this right with right no. 37-737B is limited to the irrigation of a combined total of 70 acres in a single irrigation season.

Conveyance use of this right is in the Hot Springs Canal pursuant to transfer No. 3922.

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

Right Nos. 37-737B and 37-780B are subject to the conditions of the Second Amended Final Order (dated 04-14-1998) in the matter of the Application for Transfer No. 3922.

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

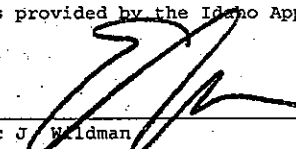
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on January 29, 2010, with sufficient first-class postage to the following:

C E MOLYNEUX

Represented by:

DANA L. HOFSTETTER

608 WEST FRANKLIN STREET

BOISE, ID 83702

Phone: 208-424-7800

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".