

South Board of Control, Owyhee Project

P.O. Box 67
Homedale, Idaho 83628
Phone 337-3760

June 29, 2009

RECEIVED

AUG 21 2009

WATER RESOURCES
WESTERN REGION

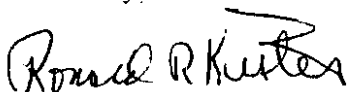
Gene Winchester
1003 Succor Creek Rd
Homedale Idaho 83628

Dear Mr. Winchester:

The Gem Irrigation District would like to inform you of the decision at our most recent board meeting on June 2, 2009, regarding the change in point of diversion so that the pivot may cover the corners of your property. After careful review of the SRBA water right on your property and discussion among the board regarding this matter a motion was made and seconded that the district had no objection to the point of delivery change on Succor Creek.

Should you have any decisions regarding this decision please contact our office.

Sincerely,



Ronald R. Kiester, Manager
South Board of Control



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

June 19, 2009

LYMAN G WINCHESTER
1003 SUCCOR CREEK RD
HOMEDALE ID 83628

Re: Application for Transfer No. 75115, Water Right No. 57-4006

Dear Mr. Winchester:

Your June 12, 2009 letter documents substantial progress in obtaining the additional information previously requested by the Idaho Department of Water Resources (IDWR) for your application. Your letter also requested more time to complete the task.

The information requested by IDWR on January 6, 2009 is therefore due by September 30, 2009. The application remains rejected pursuant to the preliminary order until the additional information is submitted. Upon timely receipt of the necessary information, IDWR can rescind the preliminary order and process the application. Without timely receipt of that information, the preliminary order will become final, terminating Application for Transfer No. 75115.

In the latter scenario, which most likely can be avoided, you could file another transfer application to start over.

Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Steve Lester
Water Rights Supervisor

Steve Lester
Water Rights Supervisor
Idaho Dept of Water Resources
Western Region 2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

JUN 17 2009

WATER RESOURCES
WESTERN REGION

12 JUN 2009

Dear Steve,

I am writing this letter to update you on my progress in providing answers to the questions you asked in your correspondence of April 20,2009.

1. I contacted the Oregon Water Resources Department Director, Mr. Phillip Ward by letter. He referred my inquiry to Ron Jacobs, Water Master of Malheur County. Mr Howard subsequently made a visit to my property on Succor Creek to familiarize himself with the physical features of the creek and the location of the diversion in Oregon. He informed me that their information was scanty concerning the diversion and I learned that it had been moved downstream from its original location and records of that location were not available. He will search again now that he has seen the creek and noted the historic diversion on the map. Mr Jacobs stated he will let me know what he discovers if anything at all concerning records in his agency.
2. The last diversion that I am aware of occurred in June of 2006. Succor Creek was running high at that time and no measurement was taken. I personally witnessed the diversion and no measurement was taken but it was in excess of 2.0 cfs and ran for a week. We tested a possible diversion site just inside the Idaho border and found it would require a lift of about 9 feet. The original diversion conveyance has been partially filled in but could be opened if necessary. As suggested by the Snake River Basin Adjudication proceedings, we would like to keep everything related to this right in Idaho, including the diversion point.

As you know, a large pivot was placed on the property in 2008 and a diversion from the creek directly north of the center of the pivot was planned to irrigate the corners not covered by the arc of the pivot. The three phase wiring has already been extended, at considerable expense, to power a small pump to sprinkle the corners from Succor Creek.

This decision was based on the final decree establishing the historic 1899 by the SRBA , and upon the letter from Idaho Water Resources reminding me to transfer this right into our name.

3...I met with The South Board of Control and Gem Irrigation District and their Counsel on 9 Jun 2009 at their regularly scheduled meeting. After presenting my request and a brief question and answer period, the board voted unanimously to withdraw their objection and to go on record as having no objection to my going forward with moving the diversion point and exercising the right to pump water from Succor Creek.

Both Mr Jacobs and the Gem Irrigation District stated they would write a letter to you and also to myself concerning their findings and decision. I trust you may have received them by now. If not will you please inform me and I will visit the issue with them again and see that you obtain the required information.

I see that my 60 days is almost up, would you kindly provide me additional time so that I can ascertain you have the information you requested for your file.

Sincerely yours,

A handwritten signature in cursive script that reads "Gene Winchester".

Gene Winchester



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

**C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director**

April 20, 2009

LYMAN G WINCHESTER
1003 SUCCOR CREEK RD
HOMEDALE ID 83628

Re: Application for Transfer No. 75115, Water Right No. 57-4006

Dear Mr. Winchester:

Your April 13, 2009 letter is a timely petition for reconsideration for the recent preliminary order rejecting the above referenced application. You stated you did not receive any prior request for information from the Idaho Department of Water Resources (IDWR) regarding your application.

Enclosed please find a copy of the January 6, 2009 letter from IDWR seeking the additional information necessary to evaluate your application. Apparently you did not receive that letter for some unknown reason.

The preliminary order can be reconsidered if you can provide the previously requested information within the next sixty (60) days. Alternately, you can seek additional time in which to obtain the information. The preliminary order will become a final order without a timely written response.

Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure: IDWR Letter dated January 6, 2009

RECEIVED

APR 17 2009

WATER RESOURCES
WESTERN REGION

John Westra
Manager, Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

13 April 2009

RE. Preliminary Order in the matter of Application for Transfer No. 75115

Dear Sir ,

I am in the receipt of your preliminary order rejecting the Application for Transfer #75115. I wish to dispute your findings of fact and conclusion of law.

I, Lyman G Winchester did apply for a transfer of water rights 57-10276 and 57-4006 at the request of Idaho Department of Water Resources. I received notice that 57-10276 was transfered.. There was no information or explanation as to why the 57-4006 transfer was not also completed. After waiting a considerable length of time, I inquired twice more by telephone, and only received the verbal instructions that it takes time and it was being "worked on". I filed the applications at the state office and that is where I inquired. More time elapsed and the local NRCS pressured me to inquire again about the lack of progress on the application. This time I wrote a letter to Steve Lester, at the Western Regional office. I have been waiting for some acknowledgement to my application and was astonished to find your preliminary order of rejection. This is very unsettling to me as I have not received any prior request as stated in you findings of fact of 7 April 2009. Further more your conclusions of law are in serious error. I have not refused to provide information at any time and I have not received any letter requesting a response.

Please consider this letter my petition for reconsideration and provide me with the contents of the letter you indicated was allegedly sent to me on Jan 6, 2009. I will be happy to respond.

Sincerely yours,



Lyman G Winchester
1003 Succor Creek Rd.
Homedale, Idaho 83628

ph. (208) 337-6005



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 8, 2009

LYMAN G WINCHESTER
LENA P WINCHESTER
1003 SUCCOR CREEK RD
HOMEDALE ID 83628

RE: Preliminary Order in the matter of Application for Transfer No. 75115

Dear Applicants:

The accompanying order is a "**preliminary order**" issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed yellow information sheet.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

A handwritten signature in dark ink, appearing to read 'John Westra', is written over a horizontal line.

for : John Westra
Manager, Western Regional Office

Enclosures

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

January 6, 2009

GENE WINCHESTER
1003 SUCCOR CREEK RD
HOMEDALE ID 83628

Re: Application for Transfer No. 75115, Water Right No. 57-4006

Dear Mr. Winchester:

You wrote to inquire about the above referenced application a couple months ago. I regret it has taken so long to reply. The good news is the Idaho Department of Water Resources (IDWR) is now reviewing your application. Additional information is needed to evaluate and process it.

As you know, water right 57-4006 was decreed in the Snake River Basin Adjudication. However, the Court decree did not confirm the validity of elements of the water right located outside of Idaho. The existing Oregon point of diversion is presumed to have an Oregon water right associated with that diversion. Please provide written confirmation from the Oregon Water Resources Department as follows:

- (1) Oregon water right number associated with that historical diversion, or an explanation of the lack of an Oregon number
- (2) evidence (data or agency report or affidavit etc.) confirming the most recent diversion of at least 2.00 cfs from that historical diversion, including the approximate date of the most recent diversion (can provide evidence from another source if not available from the Oregon agency).

The previous owners of your property filed a water right application to establish an Idaho diversion on Succor Creek similar to your application. That proposal was protested by the Gem Irrigation District. The application was eventually withdrawn since the protest could not be resolved. Therefore, please provide the following to hopefully avoid a protest against your application:

- (3) written comments from Gem Irrigation District regarding your application.

✓ OK 8/21/09
/eikr

Application for Transfer No. 75115

January 6, 2009

Page 2

Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next sixty (60) days.

Without a timely reply to the above referenced three items, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester". The signature is fluid and cursive, with the first name "Steve" and last name "Lester" clearly distinguishable.

Steve Lester

Water Rights Supervisor

RECEIVED

NOV 07 2008

WATER RESOURCES
WESTERN REGION

Steve Lester
Dept of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

2 Nov 2008

Dear Steve,

I am attempting to update ownership of water rights appurtenant to the property I purchased From Bruce and Terry Rueck, of Homedale, Idaho. I received a letter (copy enclosed) from The Dept of Water Resources and I followed up on this request with appropriate fees and application transfer forms. I have subsequently received documentation of successful transfer of water right Number 57-10276 but no action on water right number 57- 4006.

During this summer I placed a pivot on the property working with NRCS. They are currently engineering A structure to divert water at the approved location within Idaho from Succor Creek as suggested by the Snake River Adjudication decision of Aug 2005. The NRCS has asked me for verification of transfer of 57- 4006 so they can proceed with completing our project. I believe everything is in order and we are awaiting your response to our application for the transfer of water right 57- 4006 which was submitted at the same time we submitted the transfer application of 57-10276.

~~Please~~ Please notify me if I can be of further help.

Sincerely yours,



Gene Winchester
1003 Succor Creek Rd.
Homedale, Idaho 83628



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

September 3, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTTILL, JR.
Director

LYMAN & LENA WINCHESTER
1002 SUCCOR CREEK RD
HOMEDALE ID 83628

(Emalee Rushing)

RE: Change of Ownership for Water Right: 57-7046

Dear Water Right Holders:

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Please note that water rights **57-10276** and **57-4006** are also appurtenant to your property and I have included their proof reports along with another change of ownership form in case you wish to have these changed as well.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Emalee Rushing

Emalee Rushing
Office Services Supervisor

Enclosure

287-4949

*Steve Lester
Regional Office
19 Sep 08*

287-4962

287-4962

Nick [unclear]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-4006

WATER RIGHT NUMBER: 57-4006

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRUCE & TERRY REUCK 1077 DESERT GLEN RD ADRIAN, OR 97901-5307 (541)339-3019

Priority Date: 10/04/1889

Basis: Decreed

Status: Active

Source

Tributary

SUCCOR CREEK

SNAKE RIVER

Beneficial Use

From	To
------	----

Diversion Rate

Annual Volume

IRRIGATION FROM STORAGE 03/15 to 10/15

11.00 AF

DIVERSION TO STORAGE 03/15 to 10/15

4.000 CFS

IRRIGATION STORAGE 03/15 to 10/15

11.00 AF

IRRIGATION 03/15 to 10/15

2.000 CFS

Total Diversion: 4,000 CFS

Location of Point(s) of Diversion

SUCCOR CREEK

NE1/4NW1/4

Sec. 11, Twp 23S, Rge 46E, B.M.

MALHEUR OR County

SUCCOR CREEK

L3 (NW1/4SW1/4)

Sec. 14, Twp 03N, Rge 06W, B.M.

OWYHEE County

Place of Use

IRRIGATION

IRRIGATION																				
Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
03N	06W	14			31.0				6.0	24.0	7.5	6.3					2.2			77.0
									L2			L3								

Total Acres: 77

IRRIGATION FROM STORAGE same as IRRIGATION

Conditions of Approval:

1. The point of diversion shown above is where the conveyance system enters Idaho. The point of diversion for this water right is in Oregon, within the NW1/4NE1/4, Section 11, T23S, R46E, Williamette Meridian.
2. E55 USE OF THIS RIGHT WITH RIGHT NO. 57-7046 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 90 ACRES IN A SINGLE IRRIGATION SEASON.
3. C18 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. Section 42-1412(6), Idaho Code.
4. Succor Creek in the State of Oregon is tributary to the Snake River within the State of Idaho.
5. Water Right Claim number 57-4006 is for water diverted in the State of Oregon. IDWR makes no recommendation to the SRBA District Court regarding whether or not this claim is for a valid water right or whether the elements claimed are appropriately described in the claim under Oregon law. IDWR makes the following recommendations regarding this claim:

Dates and Other Information:

Licensed Date:

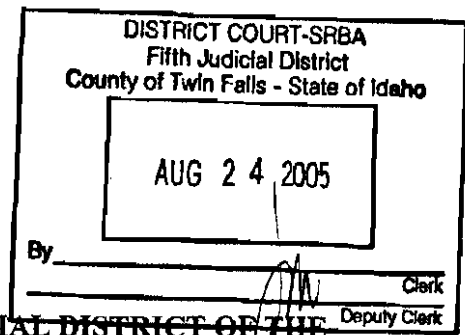
Decreed Date: 8/24/2005

Combined Use Limits:

Rate	Volume	Acres
------	--------	-------

90

Combined Water Rights: 57-7046 , 57-4006



**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 DECREE FOR**
) **UNCONTESTED INTERSTATE WATER**
) **RIGHT**

) **For Water Right: 57-04006**
)
)

On April 22, 2005, the Idaho Department of Water Resources (IDWR) filed its *Director's Report, Part 1, For Late Claims*, which included a recommendation for the above-captioned water right. The recommendation for the water right contains an element located outside of the state of Idaho, to wit: The point of diversion for this water right is located in the state of Oregon. The recommendation contains a legal description for the point of diversion element at the point where the conveyance system enters the state of Idaho. IDWR also included the following remark describing the location of the point of diversion located in Oregon:

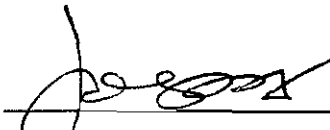
The point of diversion shown above is where the conveyance system enters Idaho. The point of diversion for this water right is in Oregon, within the NW1/4NE1/4, Section 11, T23S, R46E, Willamette Meridian.

No objections were filed to this recommendation.

The Court finds that the manner in which the element located outside of the state of Idaho was recommended to be consistent with the law applying to interstate water rights and approves the manner in which the right was recommended for purposes of the form and content of a partial decree for interstate water rights. The partial decree entered for this water right is not an adjudication of the validity of those elements located outside of the state of Idaho.

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

Dated August 22, 2005



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

SCANNED

AUG 25 2005

Page 2 of 2

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 57-04006

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 24 2005	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: BRUCE REUCK
TERRY REUCK
1002 SUCCOR CREEK RD
HOMEDALE, ID 83628

SOURCE: SUCCOR CREEK TRIBUTARY: SNAKE RIVER

Succor Creek in the State of Oregon is tributary
River within the State of Idaho.

QUANTITY: 4.00 CFS

PRIORITY DATE: 10/04/1889

POINT OF DIVERSION: T03N R06W S14 LOT 3 (NWSW) Within Owyhee County

The point of diversion shown above is where the conveyance
system enters Idaho. The point of diversion for this water
right is in Oregon, within the NW1/4NE1/4, Section 11, T23S,
R46E, Willamette Meridian.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 10-15	2.00 CFS
Irrigation Storage	03-15 TO 10-15	11.00 AFY
Irrigation from Storage	03-15 TO 10-15	11.00 AFY
Diversion to Storage	03-15 TO 10-15	4.00 CFS

PLACE OF USE:

Irrigation				Within Owyhee County
T03N R06W S14	SWNE 31.0	LOT 2	(SWNW) 6.0	
	SENW 24.0		NESE 7.5	
	LOT 3	(NWSW) 6.3	NWSE 2.2	
	77.0 Acres Total			

Irrigation from Storage Within ERROR County
Same as Irrigation

Use of this right with right no. 57-7046 is limited to the
irrigation of a combined total of 90 acres in a single irrigation
season.

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE FOR UNCONTESTED INTERESTATE WATER RIGHT was mailed on August 24, 2005, with sufficient first-class postage to the following:

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

BRUCE REUCK
TERRY REUCK
1002 SUCCOR CREEK RD
HOMEDALE, ID 83628
Phone: 208-337-5914

SCANNED

AUG 25 2005

SCANNED

AUG 25 2005

ORDER

Page 1 8/24/05

FILE COPY FOR 00739

Deputy Clerk

Julie Murphy