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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2009 AUG 6 AM 9 01

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

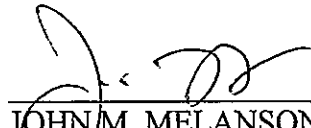
Subcases: 47-07090, 47-07126 & 47-07127
(Brubaker)

On June 25, 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 August 6, 2009


JOHN M. MELANSON
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 47-07090

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED
2009 AUG 6 AM 9 01

NAME AND ADDRESS: BARBARA BRUBAKER
JOHN BRUBAKER
JOHN M BRUBAKER
1113 E 3900 N
BUHL, ID 83316

SOURCE: GROUND WATER TRIBUTARY: DEEP CREEK

QUANTITY: 6.00 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 16.02 CFS. COMBINED RIGHT NOS.: 47-7090,
47-7126 & 47-7127

PRIORITY DATE: 01/23/1970

POINT OF DIVERSION: T10S R14E S16 SESW Within Twin Falls County
SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation	01-01 TO 12-31	6.00 CFS

PLACE OF USE: Fish Propagation Within Twin Falls County
T10S R14E S16 NWSW

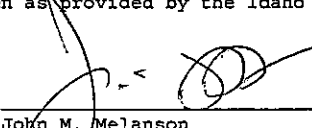
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right remains subject to the right of the original
appropriator, in good faith and in compliance with state laws
governing changes in use and/or expansion of water rights, to
cease wasting water, to change the place or manner of wasting
it, or to recapture it.
The operation, use and administration of this water right is
subject to the terms and conditions of the agreement with Twin
Falls Canal Company recorded in the Twin Falls County Recorders
Office as Instrument No. 231297.

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2009 AUG 6 AM 9 01

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 47-07126

NAME AND ADDRESS: BARBARA BRUBAKER
JOHN BRUBAKER
JOHN M BRUBAKER
1113 E 3900 N
BUHL, ID 83316

SOURCE: GROUND WATER

QUANTITY: 16.02 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 16.02 CFS. COMBINED RIGHT NOS.: 47-7090,
47-7126 & 47-7127

PRIORITY DATE: 01/25/1972

POINT OF DIVERSION: T10S R14E S16 SESW Within Twin Falls County
SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation	01-01 TO 12-31	16.02 CFS

PLACE OF USE: Fish Propagation Within Twin Falls County
T10S R14E S16 NWSW

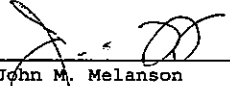
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right remains subject to the right of the original
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it, or to recapture it.
The operation, use and administration of this water right is
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Office as Instrument No. 231297.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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John M. Melanson
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

DISTRICT COURT SRBA
TWIN FALLS CO. IDAHO
FILED

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 47-07127

2009 AUG 6 AM 9 01

NAME AND ADDRESS: BARBARA BRUBAKER
JOHN BRUBAKER
JOHN M BRUBAKER
1113 E 3900 N
BUHL, ID 83316

SOURCE: GROUND WATER

QUANTITY: 14.00 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 16.02 CFS. COMBINED RIGHT NOS.: 47-7090,
47-7126 & 47-7127

PRIORITY DATE: 11/01/1971

POINT OF DIVERSION: T10S R14E S16 SESW Within Twin Falls County
SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation	01-01 TO 12-31	14.00 CFS

PLACE OF USE: Fish Propagation Within Twin Falls County
T10S R14E S16 NSW

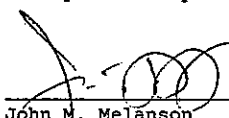
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on August 06, 2009, with sufficient first-class postage to the following:

TWIN FALLS CANAL COMPANY

Represented by:

BARKER, ROSHOLT & SIMPSON LLP

113 MAIN AVE W, STE 303

PO BOX 485

TWIN FALLS, ID 83303-0485

Phone: 208-733-0700

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

BARBARA BRUBAKER

JOHN BRUBAKER

JOHN M BRUBAKER

1113 E 3900 N

BUHL, ID 83316

Phone: 208-543-6917