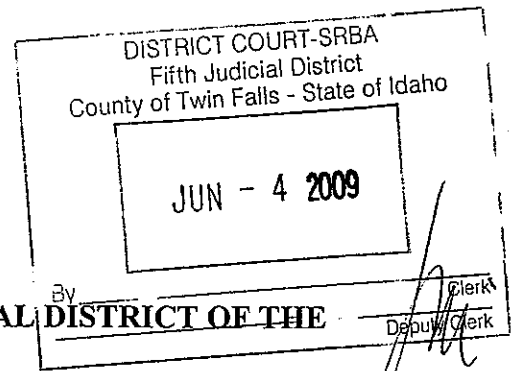




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
) **Water Right: 63-08981**
) **(Brown)**
)
) **ORDER OF PARTIAL DECREE**
)
)

On December 19, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 63, Part III, Reporting Area 13, for Irrigation and Other Water Rights*, which included recommendation for the above named water right. On January 29, 2009, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court of a change in the basis of claim from a permit to a license for named water right. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

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 4, 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 63-08981

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

JUN - 4 2009

NAME AND ADDRESS: BILLIE BROWN
JOY BROWN
23818 WAGNER
CALDWELL, ID 83605

SOURCE: GROUND WATER

QUANTITY: 1.15 CFS

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN 0.02 CFS PER ACRE NOR EXCEED A COMBINED ANNUAL MAXIMUM
DIVERSION VOLUME OF 486.00 AF AT THE FIELD HEADGATE FOR THE
LANDS HEREIN.

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN 4.5 AFA PER ACRE AT THE FIELD HEADGATE FOR IRRIGATION
OF THE LANDS HEREIN.

PRIORITY DATE: 07/14/1977

POINT OF DIVERSION: T04N R03W S06 NENE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.15 CFS

PLACE OF USE:	Irrigation	Within Canyon County
	T04N R03W S05 LOT 4 (NWNW) 36.0	
	S06 LOT 1 (NENE) 35.0	SENE 37.0
	108.0 Acres Total	

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

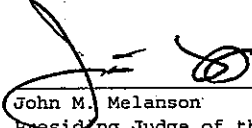
IF THE SURFACE WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE
IS ABANDONED, FORFEITED, SOLD, TRANSFERRED, LEASED OR USED ON
ANY OTHER PLACE OF USE, THIS RIGHT TO DIVERT GROUND WATER SHALL
NOT BE USED WITHOUT AN APPROVED TRANSFER PURSUANT TO SECTION
42-222, IDAHO CODE, OR APPROVAL OF THE DEPARTMENT IF A TRANSFER
IS NOT REQUIRED.

THE RIGHT HOLDER SHALL MAKE FULL BENEFICIAL USE OF ALL SURFACE
WATER RIGHTS AVAILABLE TO THE RIGHT HOLDER FOR IRRIGATION OF THE
LANDS AUTHORIZED TO BE IRRIGATED UNDER THIS RIGHT. THE RIGHT
HOLDER SHALL LIMIT THE DIVERSION OF GROUND WATER UNDER THIS
RIGHT TO THOSE TIMES WHEN THE SURFACE WATER SUPPLY IS NOT
AVAILABLE OR THE SURFACE WATER SUPPLY IS NOT REASONABLY
SUFFICIENT TO IRRIGATE THE PLACE OF USE AUTHORIZED UNDER THIS
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

2009 JUN 04 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): 63-08981

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 63-08981 was mailed
on June 04, 2009, with sufficient first-class postage prepaid
to the following:

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

BILLIE BROWN
JOY BROWN
23818 WAGNER
CALDWELL, ID 83605
Phone: 208-454-8456

JULIE MURPHY
Chief Deputy Clerk