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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY 29 2009	
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 DECREE**
)
)
) **For water right: 22-13729**
)
)

On December 22, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 22, Part II, Reporting Area 17, for Irrigation and Other Water Rights*, which included recommendations for water right 22-02212.

On July 18, 2007, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Report*, notifying the Court that water right 22-02212 had been split into water rights 22-13728 and **22-13729**. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

The above-captioned water right was recommended with one of the Purposes of Use being Aesthetic, Recreation, or Wildlife ("ARW"). This right was withheld from decree because of pending objections in the SRBA regarding the ARW Purpose of Use. The objections involving the ARW Purpose of Use were ultimately designated as Basin-Wide Issue 14. On February 25, 2009, the Court approved an amended decree resolving Basin-Wide Issue 14. Therefore, the Court finds it is now appropriate to issue the *Partial Decree* for the above-captioned right.

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)*.

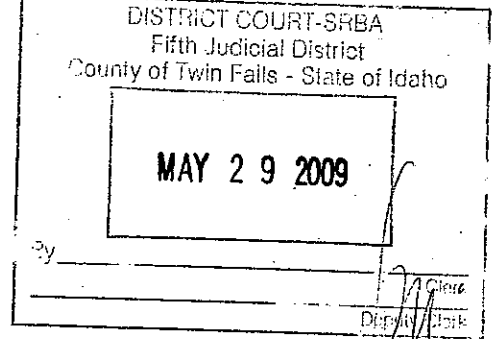
DATED May 29, 2009.



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-13729



NAME AND ADDRESS: PACKSADDLE PROPERTIES LLC
PO BOX 631
DRIGGS, ID 83221

SOURCE: GROUND WATER

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.

QUANTITY: 1.92 CFS
338.00 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE AT THE FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

THIS RIGHT AUTHORIZES THE DIVERSION OF AN ANNUAL TOTAL OF 41.6 AF TO BE USED FOR THE INITIAL FILLING OF THE PONDS, FOR THE REPLACEMENT OF LOSSES CAUSED BY SEEPAGE AND EVAPORATION FROM THE PONDS.

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.84 CFS. COMBINED RIGHT NOS.: 22-13727, 22-13729, 22-13731

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.36 CFS FOR IRRIGATION. COMBINED RIGHT NOS.: 22-13727, 22-13729, 22-13731

THE PONDS ESTABLISHED BY THE STORAGE OF WATER UNDER RIGHTS 22-13727, 22-13729, & 22-13731 SHALL NOT EXCEED A TOTAL CAPACITY OF 29.1 ACRE FEET OR A TOTAL SURFACE AREA OF 7.3 ACRES.

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.92 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 384.3 AF. COMBINED RIGHT NOS.: 22-13729, 22-13731.

PRIORITY DATE: 08/09/1961

POINT OF DIVERSION: T05N R45E S06 NESESW Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-01	1.60 CFS 296.40 AFY
	Diversion to Storage	01-01 TO 12-31	0.32 CFS
	Fire Protection Storage	01-01 TO 12-31	41.60 AFY
	Aesthetic Storage	01-01 TO 12-31	41.60 AFY

THE PERIOD OF USE FOR THE IRRIGATION DESCRIBED IN THIS APPROVAL MAY BE EXTENDED TO AN ENDING DATE OF 10/31 PROVIDED THAT BENEFICIAL USE OF THE WATER CAN BE SHOWN AND OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER 10/01 IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN 03/03/2008.

WATER SHALL NOT BE DIVERTED FROM FIRE PROTECTION STORAGE EXCEPT TO FIGHT OR REPEL AN EXISTING FIRE.

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

PLACE OF USE:

Irrigation			Within Teton County
T05N R45E S06	NESW 32.3	LOT 6	(NWSW) 17.7
LOT 7	(SWSW) 32.0		SESW 28.6
110.6 Acres Total			
Fire Protection Storage			Within Teton County
T05N R45E S06	NESW	LOT 6	(NWSW)
LOT 7	(SWSW)		SESW
Aesthetic Storage			Within Teton County
T05N R45E S06	NESW	LOT 6	(NWSW)
LOT 7	(SWSW)		SESW

The rights listed below are limited to the irrigation of a combined total of 110.6 acres in a single irrigation season. Combined Right Nos.: 22-13727, 22-13729, 22-13731. This right is limited to the irrigation of 98.8 acres within the place of use described above in a single irrigation season.

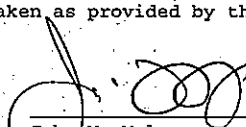
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

RIGHT NO. 22-13731 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

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 MAY 29 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

Case No. 39576

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CERTIFICATE OF MAILING

Water Right(s): 22-13729

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 22-13729 was mailed
on May 29, 2009, with sufficient first-class postage prepaid
to the following:

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

PACKSADDLE PROPERTIES LLC
PO BOX 631
DRIGGS, ID 83221

JULIE MURPHY
Chief Deputy Clerk