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DEPARTMENT OF
WATER RESOURCES

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

MAY 29 2009

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: 22-13727
)
)

On December 22, 2006, the Idaho Department of Water Resources ("IDWR") 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 22-02565.

On July 18, 2007, IDWR filed a *Notice of Completed Administrative Proceeding and Amended Director's Report*, notifying the Court that water right 22-00565 had been split into water rights 22-13726 and 22-13727. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

On March 17, 2008, IDWR filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court of an I.C. § 42-222 transfer. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

On December 8, 2008, IDWR filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court of an I.C. § 42-222 transfer. 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)*.

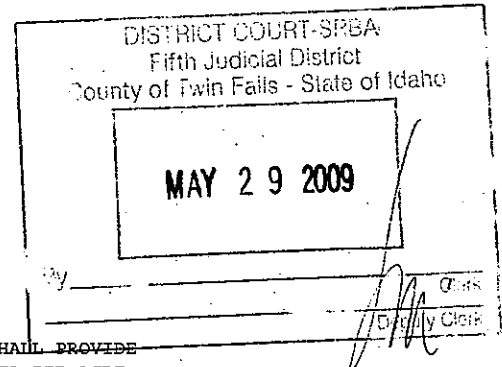
DATED May 29, 2009.



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 22-13727



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

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 2.84 CFS

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
46.6 AF TO BE USED FOR THE INITIAL FILLING OF THE PONDS, FOR THE
REPLACEMENT FO 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.

PRIORITY DATE: 06/15/1897

POINT OF DIVERSION: T06N R45E S33 NESESW Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	2.36 CFS
	Diversion to Storage	04-15 TO 10-31	0.48 CFS
	Aesthetic Storage	01-01 TO 12-31	46.60 AFY
	Fire Protection Storage	01-01 TO 12-31	46.60 AFY

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

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.

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

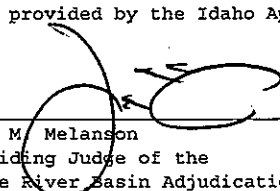
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 22-13727

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 22-13727 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