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MAY 19 2009

DEPARTMENT OF
WATER RESOURCES

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

MAY 18 2009

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

Subcase No. 63-02052A
(Frasier Family Trust)

On January 15, 2009, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. 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 Recommendation* and wholly adopts them as its own.

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

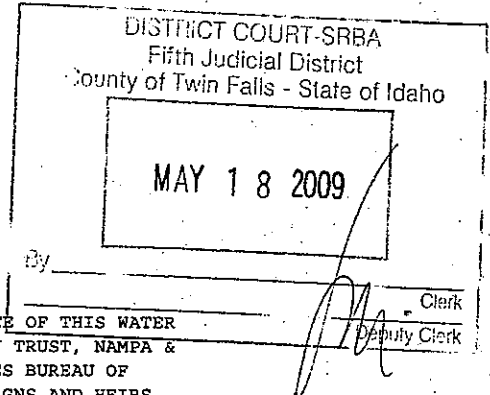
May 18, 2009

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 63-02052A



NAME AND ADDRESS: FRASIER FAMILY TRUST
4188 CHERRY LN
NAMPA, ID 83687

SOURCE: TENMILE CREEK TRIBUTARY: BOISE RIVER

TO THE EXTENT THAT ALL OR A PORTION OF THE SOURCE OF THIS WATER
RIGHT MAY CONSIST OF WASTE WATER, FRASIER FAMILY TRUST, NAMPA &
MERIDIAN IRRIGATION DISTRICT AND/OR UNITED STATES BUREAU OF
RECLAMATION, TOGETHER WITH THEIR RESPECTIVE ASSIGNS AND HEIRS,
AGREE THAT NAMPA & MERIDIAN IRRIGATION DISTRICT AND/OR UNITED
STATES BUREAU OF RECLAMATION WAIVE NO RIGHT TO ASSERT IN THE
FUTURE THAT THE SOURCE OF ALL OR PART OF THIS WATER RIGHT IS THE
WASTE WATER OF NAMPA & MERIDIAN IRRIGATION DISTRICT AND/OR UNITED
STATES BUREAU OF RECLAMATION AND THEREBY IS SUBJECT TO THE RIGHT
OF NAMPA & MERIDIAN IRRIGATION DISTRICT AND/OR UNITED STATES
BUREAU OF RECLAMATION TO CEASE WASTING IT OR RECAPTURE IT.

QUANTITY: 2.40 CFS

PRIORITY DATE: 04/29/1907

POINT OF DIVERSION: T03N R01W S05 NESE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	2.40 CFS

PLACE OF USE:	Irrigation	Within Canyon County
	T03N R01W S05	NESW 40.0
		NWSE 40.0
	120.0 Acres Total	

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

2009 MAY 18 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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-02052A

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 63-02052A was mailed
on May 18, 2009, with sufficient first-class postage prepaid
to the following:

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

NAMPA & MERIDIAN IRR DIST
Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

MIKE FRASIER
236 N HAPPY VALLEY RD
NAMPA, ID 83687

CERTIFICATE OF MAILING

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05/18/09

FRASIER FAMILY TRUST
4188 CHERRY LN
NAMPA, ID 83687
Phone: 208-466-5925

JULIE MURPHY
Chief Deputy Clerk