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MAR 13 2009

DEPARTMENT OF  
WATER RESOURCES

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

MAR 12 2009

By \_\_\_\_\_

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: 22-11960  
)  
)

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 the above-captioned water right. No objections were filed and the time period for filing objections has expired.

On September 8, 2008 the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court of a change of address for the above-captioned water right. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

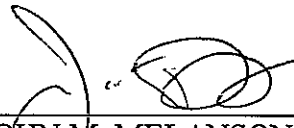
On December 8, 2008 the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court of a transfer of the above-captioned water right. No objections were filed to the *Amended Director's Report* and the time period for filing 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 March 12, 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 22-11960

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

MAR 12 2009

NAME AND ADDRESS: WILLIAM S GRAHAM REVOCABLE  
TRUST  
241 MELROSE AVE  
KENTWORTH, IL 60043

SOURCE: UNNAMED STREAM TRIBUTARY: TETON CREEK

QUANTITY: 1.40 CFS

This right authorizes the diversion of an annual total of 17.7 af to be used for the initial filling of the pond and for the replacement of losses caused by evaporation from the pond. 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. The pond established for the storage of water under this right shall not exceed a total capacity of 6.4 acre feet or a total surface area of 6.4 acres.

PRIORITY DATE: 05/11/1900

POINT OF DIVERSION: T04N R45E S04 LOT 3 (SWNENW) Within Teton County  
LOT 4 (SWNNWN)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE       | PERIOD OF USE  | QUANTITY  |
|----------------------------|----------------------|----------------|-----------|
|                            | Irrigation           | 04-15 TO 10-31 | 1.24 CFS  |
|                            | Diversion to Storage | 04-15 TO 10-31 | 0.16 CFS  |
|                            | Wildlife Storage     | 01-01 TO 12-31 | 17.70 AFY |

| PLACE OF USE: |                                 |                     |
|---------------|---------------------------------|---------------------|
|               | Irrigation                      | Within Teton County |
|               | T04N R45E S04 LOT 4 (NWNW) 21.0 |                     |
|               | S05 LOT 1 (NENE) 28.5           | SENE 12.4           |
|               | 61.9 Acres Total                |                     |
|               | Wildlife Storage                | Within Teton County |
|               | T04N R45E S04 LOT 4 (NWNW)      |                     |
|               | S05 LOT 1 (NENE)                | SENE                |

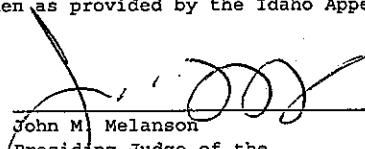
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Diversion to storage for wildlife purposes under this right is limited to times when the pond is initially filling, or refilling due to evaporation losses from the pond. Water shall not be diverted for wildlife purposes under this right at times when water would flow through the pond for discharge back to the creek.

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 MAR 12 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): 22-11960

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 22-11960 was mailed  
on March 12, 2009, with sufficient first-class postage prepaid  
to the following:

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

WILLIAM S GRAHAM REVOCABLE  
TRUST  
241 MELROSE AVE  
KENTWORTH, IL 60043  
Phone: 847-274-7946

JULIE MURPHY  
Chief Deputy Clerk