

RECEIVED

JAN 15 2009

DEPARTMENT OF  
WATER RESOURCES

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

JAN 14 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

) Water Right: 01-10539  
) (Scott)  
)  
) ORDER OF PARTIAL DECREE  
)  
)  
)

On December 19, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 01, Part II, for Irrigation and Other Water Rights*, which included recommendations for water right 01-00326.

On September 4, 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 01-00326 had been split into water rights **01-10539** and 01-10540. 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

January 14, 2009

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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 01-10539

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

JAN 14 2009

By

Deputy Clerk

NAME AND ADDRESS:

R GENE SCOTT  
4644 E 185 N  
RIGBY, ID 83442

SOURCE:

SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY:

8.87 CFS

PRIORITY DATE:

04/01/1939

POINT OF DIVERSION:

T04N R40E S27 NESWSW Within Jefferson County

PURPOSE AND

PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------|
| Irrigation     | 04-01 TO 10-31 | 8.87 CFS |
| Stockwater     | 04-01 TO 10-31 | 0.05 CFS |

PLACE OF USE:

| PLACE OF USE:     | QUANTITY                |
|-------------------|-------------------------|
| Irrigation        | Within Jefferson County |
| T04N R40E S28     | NWNW 0.3 SWNW 29.0      |
|                   | SENW 4.0 NESW 1.4       |
|                   | NWSW 33.0               |
| S29               | SWNW 4.0 SENW 18.5      |
|                   | NESE 35.0 NWSE 8.7      |
| 133.9 Acres Total |                         |

Stockwater

Within Jefferson County

Same as Irrigation

The rights listed below are limited to the irrigation of a combined total of 133.9 acres in a single irrigation season. Combined Right Nos.: 01-10535, 01-10537, 01-10539.

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

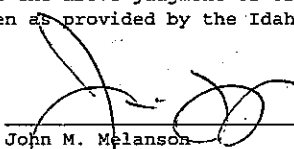
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.

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 JAN 14 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): 01-10539

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 01-10539 was mailed  
on January 14, 2009, with sufficient first-class postage prepaid  
to the following:

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

R GENE SCOTT  
4644 E 185 N  
RIGBY, ID 83442

JULIE MURPHY  
Chief Deputy Clerk