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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN - 7 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: 02-10277

) (Neatherlin Family Ltd

) Partnership II and Leavell

On October 23, 2008, 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

January 7, 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 02-10277

NAME AND ADDRESS: NEATHERLIN FAMILY LTD
PARTNERSHIP II
PO BOX 54
GOODING, ID 83330

ALONZO B LEAVELL
CANYON BEND RANCH LTD
PO BOX 54
GOODING, ID 83330

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.42 CFS
96.20 AFY

PRIORITY DATE: 09/24/1969

POINT OF DIVERSION: T05S R10E S23 LOT 2 (SENW) Within Elmore County

PURPOSE AND

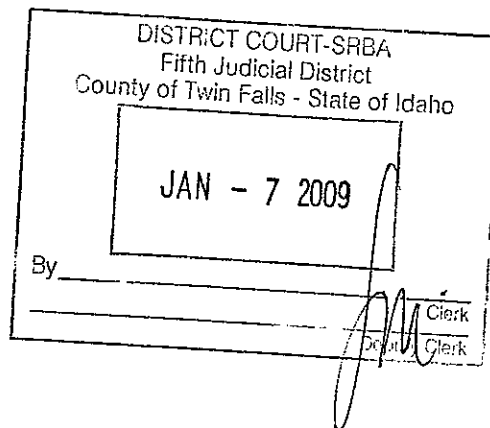
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-15	0.42 CFS
			94.50 AFY
	Stockwater	01-01 TO 12-31	0.02 CFS
			1.70 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

Irrigation		Within Elmore County	
T05S R10E S14	NESW 6.5	LOT 6	(NESW) 2.2
	SESW 4.0	LOT 6	(SESW) 19.0
	NWSE 2.5	LOT 7	(NWSE) 26.0
	SWSE 21.0		
S23	NWNE 4.6	LOT 1	(NENW) 21.0
LOT 2	(SENW) 0.2		
107.0 Acres Total			
Stockwater		Within Elmore County	
T05S R10E S14	NESW	LOT 6	(NESW)
	SESW	LOT 6	(SESW)
	NWSE	LOT 7	(NWSE)
	SWSE		
S23	NWNE	LOT 1	(NENW)
LOT 2	(SENW)		

The rights listed below are limited to the irrigation of a combined total of 107 acres in a single irrigation season. Combined Right Nos.: 2-10275, 2-10277, and 2-10279. This right is limited to the irrigation of 21.0 acres within the place of use described above in a single irrigation season. Place of use in NESW and SESW of Section 14 is unsurveyed accretion land adjacent to Lot 6.



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

PLACE OF USE (continued)

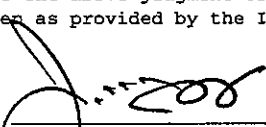
Place of use does not include federal public lands.

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 JAN 07 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): 02-10277

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 02-10277 was mailed
on January 07, 2009, with sufficient first-class postage prepaid
to the following:

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

NEATHERLIN FAMILY LTD
PARTNERSHIP II
PO BOX 54
GOODING, ID 83330

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

ALONZO B LEAVELL
CANYON BEND RANCH LTD
PO BOX 54
GOODING, ID 83330

CERTIFICATE OF MAILING

JULIE MURPHY
Chief Deputy Clerk

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01/07/09