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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR - 5 2008	
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

) ORDER OF PARTIAL DECREE

Case No. 39576

) For Water Right: 01-00028F

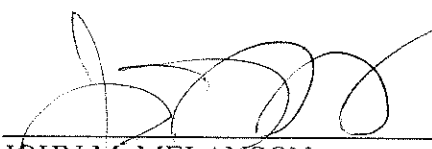
On December 12, 2007, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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

March 5, 2008



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 01-00028F

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

MAR - 5 2008

By _____

Clark
County Clerk

NAME AND ADDRESS: MONSANTO CO
C/O MINE SUPERINTENDENT
PO BOX 816
SODA SPRINGS, ID 83276

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

WATER UNDER THIS RIGHT IS DIVERTED FROM THE SNAKE RIVER INTO THE
RESERVATION CANAL, WHICH DELIVERS THE WATER TO THE POINT OF
INJECTION ON THE BLACKFOOT RIVER. THE POINT OF RE-DIVERSION IS
ON THE LITTLE BLACKFOOT RIVER.

QUANTITY: 0.60 CFS
63.00 AFY

PRIORITY DATE: 02/21/1890

POINT OF DIVERSION: T01N R37E S31 LOT 7 (SWNE) Within Bingham County
T02S R36E S24 LOT 2 (NESWSE) (Injection)
T06S R42E S14 SENE (Rediversion) Within Caribou County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Mining		04-01 TO 10-15	0.60 CFS
			63.00 AFY

PLACE OF USE:	Mining		Within Caribou County
	T06S R42E S13	NWSW	
	S14	NWNE	SWNW
		NESE	

OWNER'S USE OF THE WATER AND ACCESS TO THE PLACE OF USE ARE
SUBJECT TO SEPARATE LEASE AND/OR EASEMENT AGREEMENTS WITH THE
STATE OF IDAHO AND UNITED STATES OF AMERICA. THESE AGREEMENTS
DO NOT PRECLUDE THE OWNER FROM TRANSFERRING THE PLACE OF USE OFF
OF ITS CURRENT LOCATION. OWNER MUST STILL COMPLY WITH IDAHO LAW
IN FILING FOR SUCH A TRANSFER.

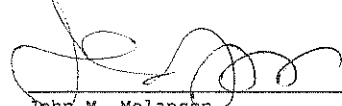
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Diversion of water under this right is subject to the Carrying
Capacity Contract I-125-Ind. 127, dated June 7, 1929.

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

2008 MAR 05 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): 01-00028F

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 01-00028F was mailed
on March 05, 2008, with sufficient first-class postage prepaid
to the following:

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

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

MONSANTO CO
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

STATE OF IDAHO DEPT OF LANDS

Represented by:

STATE OF IDAHO

700 W JEFFERSON ROOM 210

P O BOX 44449

BOISE, ID 83711-4449

Phone: 208-334-2400

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

MONSANTO CO

C/O MINE SUPERINTENDENT

PO BOX 816

SODA SPRINGS, ID 83276

JULIE MURPHY

Chief Deputy Clerk