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DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| FEB 15 2008                                                                             |                       |
| By _____                                                                                | Clerk<br>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, *NUNC*  
) *PRO TUNC*, FOR IRRIGATION  
) DELIVERY ENTITY USING DIGITAL  
) BOUNDARY DESCRIPTION; I.C. §§ 42-  
) 202B(2), 42-219(2), 42-1411(2)(h)  
)  
) For Water Rights: 29-00052, 29-00053,  
) 29-04060, 29-00589 and 29-13318  
) (Portneuf Marsh Valley Irrigation Co.)  
)

I.

FINDINGS AND CONCLUSIONS

1. The above-captioned water rights are five of the thirty-four water rights that are subject to the *Portneuf River Settlement Agreement* filed on April 22, 2005, and the *Addendum Agreement* filed December 17, 2007. On February 10, 2006, a *Special Master's Report and Recommendation* was filed for the above water rights in accordance with the *Portneuf River Settlement Agreement*. Thereafter *Partial Decrees* were issued for most but not all of the thirty-four water right claims. *Partial Decrees* had not yet been issued for the above-captioned water right claims. On March 23, 2006, a *Motion to Alter or Amend Order of Partial Decrees* was filed with respect to the *Portneuf River Settlement Agreement* and included all thirty-four claims. As a result outstanding *Partial Decrees* subject to the *Agreement* were not issued. On December 17, 2007, this Court entered an *Order Dismissing Motion to Alter or Amend Partial Decrees and Amending Partial Decrees to Include Addendum Agreement to Prior Portneuf River Settlement Agreement* but overlooked issuing the remaining *Partial Decrees*. Therefore it is the intent of the Court to issue the *Partial Decrees nunc pro tunc* to December 17, 2007, to correct the oversight.

2. The above-captioned water right is for an irrigation purpose of use and satisfy one of the following statutory criteria: (1) used in conjunction with an irrigation project where the canals constructed cover an area of twenty-five thousand (25,000) acres or more; (2) the place of use for the water rights is located within an irrigation district organized pursuant to the laws of the state of Idaho; or (3) the water rights are for an irrigation project developed by an association, company, corporation or the United States to divert and deliver or distribute surface water under any annual charge or rental for beneficial use by more than five (5) water users in an area less than twenty-five thousand (25,000) acres.

3. Effective July 1, 2002, the Idaho Legislature approved the use of a Geographic Information System (GIS) for describing the place of use (digital boundary) for water rights meeting the above-stated criteria. See I.C. §§ 42-219(2)(2003) and 42-1411(2)(h)(2003). The GIS mapping technology allows the geographic area encompassing the place of use for a water right to be particularly identified and visually displayed in a map overlay format through the aid of computer technology. In incorporating a digital boundary into a partial decree, the electronic or digital data is what is actually decreed as opposed to the visually displayed map ultimately generated from the data. The data is stored on a CD-ROM. The Court finds that the GIS mapping technology maintained by IDWR complies with the standards for spatial accuracy set forth in I.C. § 42-202B (2)(2003). See *Notice of Filing Affidavit of Michael Ciscell Re: Digital Boundary*, filed October 17, 2003.

## II. ORDER

1. Therefore, IT IS ORDERED that the above-captioned water rights are hereby **decreed** as set forth in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b)***. This ***Order*** is being entered *nunc pro tunc* to December 17, 2007.

2. IT IS FURTHER HEREBY ORDERED that the data comprising the digital boundary shall be stored on a CD-ROM medium, which shall be issued in duplicate original. The SRBA District Court will retain one original together with the original ***Partial Decree***, and IDWR will retain the other original. The map depicting the place of use attached to the ***Partial Decree*** is intended for illustrative purposes only.

3. IT IS FURTHER HEREBY ORDERED that upon request, the claimant can obtain a copy of the CD-ROM from IDWR at no cost, although GIS software will still be required to access the data. Subsequent administrative changes to the place of use shall also be stored in a digital format and kept on file and maintained by IDWR. IDWR shall maintain all computer software and/or hardware necessary for reducing the data to a usable format that is accessible to the general public, including access through the IDWR Internet website ([www.idwr.state.id.us](http://www.idwr.state.id.us)) or its successor Uniform Resource Locator (URL).

DATED

February 15, 2008.



JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

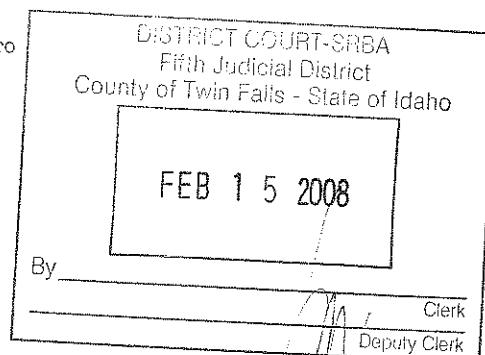
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 29-00052

NAME AND ADDRESS: PORTNEUF MARSH VALLEY CANAL CO  
C/O ELLIS GILBERT  
2777 E HAWKINS RD  
DOWNEY, ID 83234

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 176.85 CFS



USE OF THIS RIGHT WITH RIGHT NO. 29-13318 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 176.85 CFS.

PRIORITY DATE: 12/18/1907

POINT OF DIVERSION: T09S R37E S22 LOT 3 (SWSNW) Within Bannock County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY   |
|-------------------------------|----------------|----------------|------------|
|                               | Irrigation     | 04-15 TO 09-15 | 176.85 CFS |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS  
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,  
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE  
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 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:

5103.2 ACRES TOTAL

PLACE OF USE IS WITHIN THE AREA SERVED BY THE PORTNEUF MARSH  
VALLEY CANAL CO. LTD.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 5103.2 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-52, 29-53, 29-589,  
29-4060, 29-13318.

THE BOUNDARY ENCOMPASSING THE PLACE OF USE FOR THIS WATER RIGHT  
IS DESCRIBED WITH A DIGITAL BOUNDARY AS DEFINED BY I.C. SECTION  
42-202B(2) AND AUTHORIZED PURSUANT TO I.C. SECTION 42-1411 (2) (h)  
THE DATA COMPRISING THE DIGITAL BOUNDARY ARE INCORPORATED HEREIN  
BY REFERENCE AND ARE STORED ON A CD-ROM DISK ISSUED IN DUPLICATE  
ORIGINALS ON FILE WITH THE SRBA DISTRICT COURT AND THE IDAHO  
DEPARTMENT OF WATER RESOURCES. A MAP DEPICTING THE PLACE OF USE  
IS ATTACHED HERETO TO ILLUSTRATE THE PLACE OF USE DESCRIBED BY  
THE DIGITAL BOUNDARY.

USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON  
FEDERAL PUBLIC LAND.

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

THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS  
SUBJECT TO THE TERMS AND CONDITIONS OF THE PORTNEUF RIVER  
SETTLEMENT AGREEMENT, BASIN 29: PORTNEUF RIVER FILED WITH  
THE SRBA DISTRICT COURT APRIL 22, 2005, AND THE ADDENDUM TO THE  
AGREEMENT FILED DECEMBER 17, 2007.

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

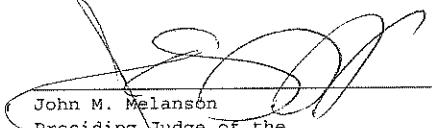
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.

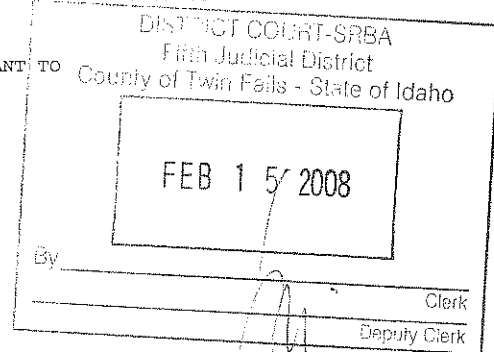


John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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 29-00053



NAME AND ADDRESS: PORTNEUF MARSH VALLEY CANAL CO  
C/O ELLIS GILBERT  
2777 E HAWKINS RD  
DOWNEY, ID 83234

SOURCE: TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER

POINT OF INJECTION INTO PORTNEUF RIVER. POINT OF REDIVERSION  
FROM PORTNEUF RIVER.

QUANTITY: 164.43 CFS  
16410.00 AFY

THIS RIGHT WHEN COMBINED WITH 29-589 IS LIMITED TO A COMBINED  
TOTAL OF 16410 AFA.  
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 23695 AF. COMBINED RIGHT NOS.: 29-53,  
29-589, 29-4060.

PRIORITY DATE: 07/06/1912

POINT OF DIVERSION: T06S R38E S33 SWESE Within Caribou County  
R39E S19 SWSWSW (Injection)  
T09S R37E S22 LOT 3 (SWSNW) (Rediversion) Within Bannock County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY     |
|-------------------------------|-------------------------|----------------|--------------|
|                               | Irrigation Storage      | 01-01 TO 12-31 | 16410.00 AFY |
|                               | Irrigation from Storage | 04-15 TO 09-15 | 16410.00 AFY |
|                               | Diversion to Storage    | 09-16 TO 04-14 | 164.43 CFS   |

PLACE OF USE:

5103.2 ACRES TOTAL  
PLACE OF USE IS WITHIN THE AREA SERVED BY THE PORTNEUF MARSH  
VALLEY CANAL CO. LTD.  
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 5103.2 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-52, 29-53, 29-589,  
29-4060, 29-13318.  
USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON  
FEDERAL PUBLIC LAND.  
THE BOUNDARY ENCOMPASSING THE PLACE OF USE FOR THIS WATER RIGHT  
IS DESCRIBED WITH A DIGITAL BOUNDARY AS DEFINED BY I.C. SECTION  
42-202B(2) AND AUTHORIZED PURSUANT TO I.C. SECTION 42-1411 (2) (h)  
THE DATA COMPRISING THE DIGITAL BOUNDARY ARE INCORPORATED HEREIN  
BY REFERENCE AND ARE STORED ON A CD-ROM DISK ISSUED IN DUPLICATE  
ORIGINALS ON FILE WITH THE SRBA DISTRICT COURT AND THE IDAHO  
DEPARTMENT OF WATER RESOURCES. A MAP DEPICTING THE PLACE OF USE  
IS ATTACHED HERETO TO ILLUSTRATE THE PLACE OF USE DESCRIBED BY  
THE DIGITAL BOUNDARY.

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

SUITABLE MEASURING DEVICES SHALL BE INSTALLED ON THE PORTNEUF  
RIVER ABOVE THE FLOW LINE OF THE PORTNEUF-MARSH VALLEY  
IRRIGATING COMPANY RESERVOIR AT WHICH POINT THE WATER COMES INTO  
THE RESERVOIR AT T6S R38E S11 NWSEW AND IMMEDIATELY BELOW THE  
DAM OF SAID RESERVOIR AT T6S R39E S19 SWSWSW SO THAT THE WATER

OTHER PROVISIONS (continued)

RELEASED MAY BE MORE ACCURATELY DETERMINED. THE NORMAL FLOW OF THE PORTNEUF RIVER MAY NOT BE OBSTRUCTED BY THE RESERVOIR WITH REFERENCE TO THE AMOUNT OF WATER DELIVERED THROUGH THE RESERVOIR DURING THE IRRIGATING SEASON. NO CHARGE SHALL BE MADE AGAINST THE NORMAL STREAM FLOW FROM THE POINT ABOVE THE RESERVOIR LOCATED AT T 6S R38E S11NWSESW AND THE POINT BELOW THE RESERVOIR LOCATED AT T6S R39E S19 SWSWSW.

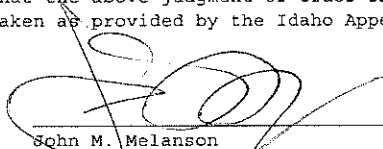
THIS STORAGE WATER RIGHT IS TO BE DELIVERED WITHOUT CONVEYANCE LOSS FROM THE RESERVOIR TO THE POINT OF DIVERSION LOCATED ON THE PORTNEUF RIVER AT T9S R37E SEC 22 SWSNW (LOT 3) FOR THE PORTNEUF-MARSH VALLEY CANAL COMPANYS CANAL THROUGH SAID COMPANYS DRAINAGE CANAL AND THE PORTNEUF RIVER.

THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE PORTNEUF RIVER SETTLEMENT AGREEMENT, BASIN 29: PORTNEUF RIVER FILED WITH THE SRBA DISTRICT COURT APRIL 22, 2005, AND THE ADDENDUM TO THE AGREEMENT FILED DECEMBER 17, 2007.

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.

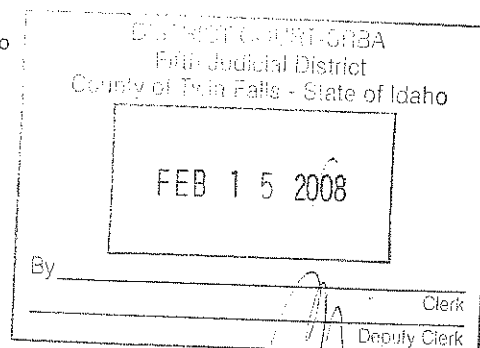


John M. Melanson  
Presiding Judge of the  
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
  
Water Right 29-04060



NAME AND ADDRESS: PORTNEUF MARSH VALLEY CANAL CO  
C/O ELLIS GILBERT  
2777 E HAWKINS ROAD  
DOWNEY, ID 83234

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER  
TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER

POINT OF INJECTION INTO PORTNEUF RIVER. POINT OF REDIVERSION  
FROM PORTNEUF RIVER.

QUANTITY: 7285.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 23695 AF. COMBINED RIGHT NOS.: 29-53,  
29-589, 29-4060.

PRIORITY DATE: 04/01/1949

POINT OF DIVERSION: T06S R38E S33 SWESE Within Caribou County  
R39E S19 LOT 4 (SWSWSW) (Injection)  
LOT 4 (SWSW )  
T09S R37E S22 LOT 3 (SWSNW) (Rediversion) Within Bannock County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY    |
|-------------------------------|-------------------------|----------------|-------------|
|                               | Irrigation Storage      | 01-01 TO 12-31 | 7285.00 AFY |
|                               | Irrigation from Storage | 04-01 TO 09-15 | 7285.00 AFY |

PLACE OF USE:

5103.2 ACRES TOTAL  
PLACE OF USE IS WITHIN THE AREA SERVED BY THE PORTNEUF MARSH  
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USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
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USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON  
FEDERAL PUBLIC LAND.  
THE BOUNDARY ENCOMPASSING THE PLACE OF USE FOR THIS WATER RIGHT  
IS DESCRIBED WITH A DIGITAL BOUNDARY AS DEFINED BY I.C. SECTION  
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THE DIGITAL BOUNDARY.

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

THIS STORAGE WATER RIGHT IS TO BE DELIVERED WITHOUT CONVEYANCE  
LOSS FROM THE RESERVOIR TO THE POINT OF DIVERSION LOCATED ON THE  
PORTNEUF RIVER AT T9S R37E S22 SWSNW (LOT 3) FOR THE PORTNEUF-  
MARSH VALLEY CANAL COMPANYS CANAL THROUGH SAID COMPANYS DRAINAGE  
CANAL AND THE PORTNEUF RIVER.

THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS  
SUBJECT TO THE TERMS AND CONDITIONS OF THE PORTNEUF RIVER

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

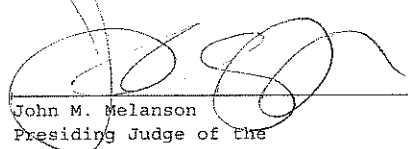
OTHER PROVISIONS (continued)

SETTLEMENT AGREEMENT, BASIN 29: PORTNEUF RIVER FILED WITH  
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ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

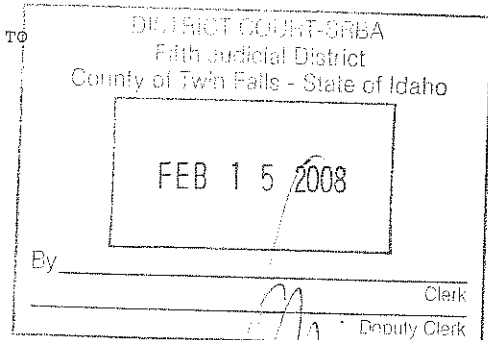
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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.



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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
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In Re SRBA )  
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 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 29-00589



NAME AND ADDRESS: PORTNEUF MARSH VALLEY CANAL CO  
C/O ELLIS GIBLERT  
2777 E HAWKINS RD  
DOWNEY, ID 83234

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER

POINT OF INJECTION INTO PORTNEUF RIVER. POINT OF REDIVERSION  
FROM PORTNEUF RIVER.

QUANTITY: 16410.00 AFY

THIS RIGHT WHEN COMBINED WITH 29-53 IS LIMITED TO A COMBINED  
TOTAL OF 16410 AFA.  
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
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|-------------------------------|-------------------------|----------------|--------------|
|                               | Irrigation Storage      | 01-01 TO 12-31 | 16410.00 AFY |
|                               | Irrigation from Storage | 04-15 TO 09-15 | 16410.00 AFY |

PLACE OF USE:

5103.2 ACRES TOTAL  
USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON  
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PORTNEUF-MARSH VALLEY CANAL COMPANYS CANAL THROUGH SAID COMPANYS  
DRAINAGE CANAL AND THE PORTNEUF RIVER.  
SUITABLE MEASURING DEVICES SHALL BE INSTALLED ON THE PORTNEUF  
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OTHER PROVISIONS (continued)

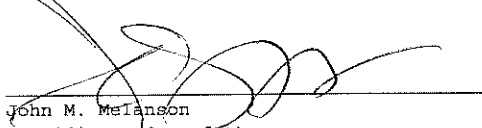
COMPANY RESERVOIR AT WHICH POINT THE WATER COMES INTO THE RESERVOIR AT T6S R38E S11 NWSESW AND IMMEDIATELY BELOW THE DAM OF SAID RESERVOIR AT T6S R39E S19 SWSWSW SO THAT THE WATER RELEASED MAY BE MORE ACCURATELY DETERMINED. THE NORMAL FLOW OF THE PORTNEUF RIVER MAY NOT BE OBSTRUCTED BY THE RESERVOIR WITH REFERENCE TO THE AMOUNT OF WATER DELIVERED THROUGH THE RESERVOIR DURING THE IRRIGATING SEASON. NO CHARGE SHALL BE MADE AGAINST THE NORMAL STREAM FLOW FROM THE POINT ABOVE THE RESERVOIR LOCATED AT T6S R38E S11 NWSESW AND THE POINT BELOW THE RESERVOIR LOCATED AT T6S R39E S19 SWSWSW.

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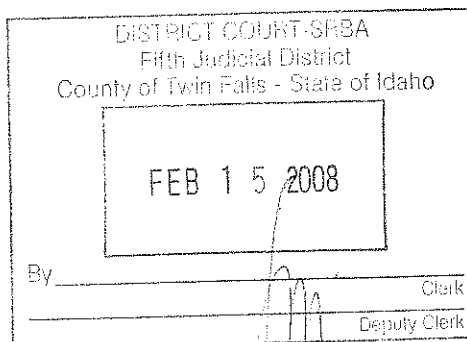
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In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 29-13318



NAME AND ADDRESS: PORTNEUF MARSH VALLEY CANAL CO  
C/O ELLIS GILBERT  
2777 E HAWKINS ROAD  
DOWNEY, ID 83234

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 176.85 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-52 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 176.85 CFS.

PRIORITY DATE: 08/07/1932

POINT OF DIVERSION: T09S R37E S22 LOT 3 (SWSNW) Within Bannock County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY   |
|-------------------------------|----------------|----------------|------------|
|                               | Irrigation     | 04-01 TO 10-31 | 176.85 CFS |

PLACE OF USE:

5103.2 ACRES TOTAL  
PLACE OF USE IS WITHIN THE AREA SERVED BY THE PORTNEUF MARSH  
VALLEY CANAL CO. LTD.  
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 5103.2 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-52, 29-53, 29-589,  
29-4060, 29-13318.  
THE BOUNDARY ENCOMPASSING THE PLACE OF USE FOR THIS WATER RIGHT  
IS DESCRIBED WITH A DIGITAL BOUNDARY AS DEFINED BY I.C. SECTION  
42-202B(2) AND AUTHORIZED PURSUANT TO I.C. SECTION 42-1411(2)(h).  
THE DATA COMPRISING THE DIGITAL BOUNDARY AS INCORPORATED HEREIN  
BY REFERENCE AND ARE STORED ON A CD-ROM DISK ISSUED IN DUPLICATE  
ORIGINALS ON FILE WITH THE SRBA DISTRICT COURT AND THE IDAHO  
DEPARTMENT OF WATER RESOURCES. A MAP DEPICTING THE PLACE OF USE  
IS ATTACHED HERETO TO ILLUSTRATE THE PLACE OF USE DESCRIBED BY  
THE DIGITAL BOUNDARY.

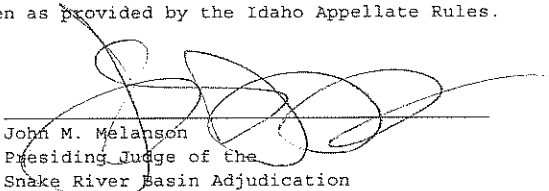
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS  
SUBJECT TO THE TERMS AND CONDITIONS OF THE PORTNEUF RIVER  
SETTLEMENT AGREEMENT, BASIN 29: PORTNEUF RIVER FILED WITH THE  
SRBA DISTRICT COURT APRIL 22, 2005, AND THE ADDENDUM TO THE  
AGREEMENT FILED DECEMBER 17, 2007.

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

# Department of Water Resources

Boundary of Service Area for  
PORTNEUF MARSH VALLEY CANAL CO LTD

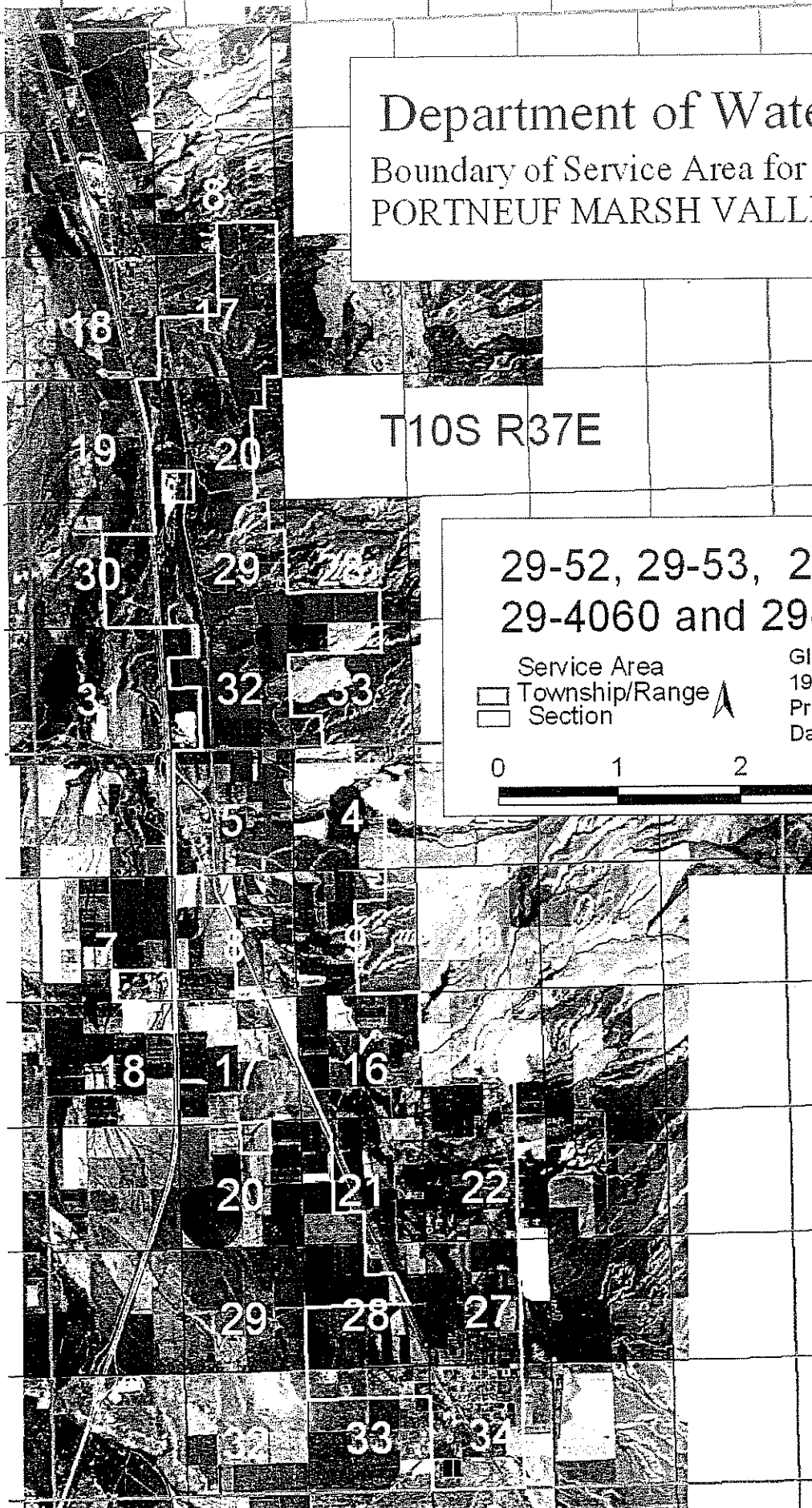
T10S R37E

29-52, 29-53, 29-589,  
29-4060 and 29-13318

Service Area  
Township/Range  
Section

GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: E. Carlsen  
Date: November 2005

0 1 2 3 4 Miles



CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES, NUNC PRO TUNC, FOR IRRIGATION DELIVERY ENTITY USING DIGITAL BOUNDARY DESCRIPTION was mailed on February 15, 2008, with sufficient first-class postage to the following:

MC CAMMON DITCH CO LTD

Represented by:  
JAMES A. SPINNER  
PO BOX 6009  
POCATELLO, ID 83205  
Phone: 208-232-4471

LAVA IRRIGATION CO INC

Represented by:  
JERRY R. RIGBY  
25 N 2ND E  
PO BOX 250  
REXBURG, ID 83440-0250  
Phone: 208-356-3633

PORTNEUF MARSH VALLEY CANAL CO

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

PORTNEUF IRRIGATING COMPANY

Represented by:  
RANDOLPH CALVIN STONE  
PO BOX 910  
BURLEY, ID 83318  
Phone: 208-878-8382

USDI BLM

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

DIRECTOR OF IDWR

PO BOX 83720  
BOISE, ID 83720-0098

KENNETH D ANDRUS

6948 E OLD OREGON TRAIL RD  
LAVA HOT SPRINGS, ID 83246  
Phone: 208-776-5380

ORDER

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FILE COPY FOR 00118

Deputy Clerk

