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JAN 31 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS OF IDAHO
FILED

2008 JAN 30 PM 9 18

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 Rights: 69-4103A, 69-4103B,
) 69-4104A, 69-4104B & 69-4122
)

On November 14, 2007, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. The *Special Master's Report and Recommendation* was based on a *Standard Form 5* and *Settlement Agreement*. 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. The Court further approves the *Settlement Agreement* and pursuant its terms retains jurisdiction over the *Settlement Agreement* for the purpose of resolving disputes arising over the implementation and enforcement of its terms.

Therefore, IT IS ORDERED that the above-captioned water rights be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED

January 30, 2008.

JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

ORDER OF PARTIAL DECREE: WATER RIGHTS 69-4103A, 69-4103B, 69-4104A, 69-4104B & 69-4122

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

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR 2008 JAN 30 PM 9 18
Case No. 39576)
)
) Water Right 69-04103A

NAME AND ADDRESS: EVEA H POWERS
HAROLD A POWERS
7680 APPALOOSA LN
EMMETT, ID 83617

SOURCE: CROOKED RIVER TRIBUTARY: WILDHORSE RIVER

QUANTITY: 3.38 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1888

POINT OF DIVERSION: T18N R03W S11 NWSW Within Adams County
NESW
S15 NENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.38 CFS
	Stockwater	04-01 TO 10-31	0.12 CFS

PLACE OF USE:	Irrigation	Within Adams County
T18N R03W S11	NESW 38.0	SESW 39.0
	NWSE 36.0	SWSE 19.0
132.0 Acres Total		

Stockwater	Within Adams County
T18N R03W S11	NESW
	SESW
	NWSE
	SWSE

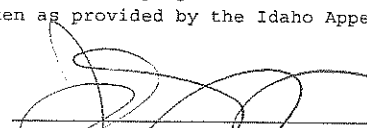
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use. Right nos. 69-4103A, 69-4103B, 69-4104A, 69-4104B and 69-4122 shall be administered in accordance with that certain Settlement Agreement recorded as instrument number 115466, Adams County Records Office.

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

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 69-04103B

NAME AND ADDRESS: MOONSHINE VENTURES LLC
PO BOX 44
COUNCIL, ID 83612

SOURCE: CROOKED RIVER TRIBUTARY: WILDHORSE RIVER

QUANTITY: 1.94 CFS

Right Nos. 69-4103B and 69-4104B are limited to a total combined
diversion rate of 1.94 cfs.

PRIORITY DATE: 04/01/1955

POINT OF DIVERSION: T18N R03W S15 NENE Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.94 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T18N R03W S14	NWNE 1.0 NENW 20.0 NWNW 40.0 SWNW 19.0
	S15	NENE 17.0
	97.0 Acres Total	

Right Nos. 69-4103B and 69-4104B are limited to the irrigation
of a combined total of 97 acres in a single irrigation season.

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

Right nos. 69-4103A, 69-4103B, 69-4104A, 69-4104B and 69-4122
shall be administered in accordance with that certain Settlement
Agreement recorded as instrument number 115466, Adams County
Recorders Office.

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

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 69-04104A

FILED
2008 JAN 30 PM 9 18

NAME AND ADDRESS: EVEA H POWERS
HAROLD A POWERS
7680 APPALOOSA LN
EMMETT, ID 83617

SOURCE: MOONSHINE CREEK TRIBUTARY: DICK ROSS CREEK

QUANTITY: 0.34 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1888

POINT OF DIVERSION: T18N R03W S14 NENENW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.32 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Adams County
T18N R03W S11 SWSE 16.0
16.0 Acres Total

Stockwater Within Adams County
T18N R03W S11 SWSE

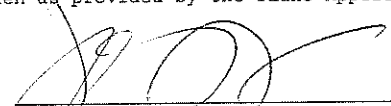
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.
Right nos. 69-4103A, 69-4103B, 69-4104A, 69-4104B and 69-4122
shall be administered in accordance with that certain Settlement
Agreement recorded as instrument number 115466, Adams County
Recorders Office.

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
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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

DISPATCH UNIT - ORCA
TWIN FALLS CO. IDAHO
DISTRICT OF THE

2008 JAN 30 PM 9 19

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Jan-29-2008

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 69-04122

2008 JAN 30 9 19

NAME AND ADDRESS: AVA E RUBELT
JACK RUBELT
2280 OLD HORNET RD
COUNCIL, ID 83612

SOURCE: CROOKED RIVER TRIBUTARY: WILDHORSE RIVER

QUANTITY: 2.81 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 05/06/1901

POINT OF DIVERSION: T18N R03W S10 SESE Within Adams County
SESE
S15 NWNE
NENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 10-31	2.76 CFS
Stockwater		01-01 TO 12-31	0.05 CFS

PLACE OF USE:	Irrigation	Within Adams County
T18N R03W S10	NESE 29.0 SWSE 29.0	NWSE 1.0 SESE 40.0
99.0 Acres Total		
Stockwater	Within Adams County	
T18N R03W S10	NESE SWSE	NWSE SESE

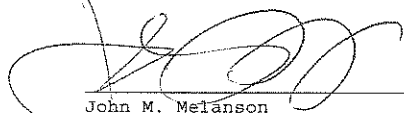
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

RIGHT NOS. 69-4103A, 69-4103B, 69-4104A, 69-4104B AND 69-4122
SHALL BE ADMINISTERED IN ACCORDANCE WITH THAT CERTAIN SETTLEMENT
AGREEMENT RECORDED AS INSTRUMENT NUMBER 115466, ADAMS COUNTY
RECORDERS OFFICE.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on January 30, 2008, with sufficient first-class postage to the following:

AVA E RUBELT
JACK RUBELT

Represented by:
JULIE K. FISCHER
5700 E FRANKLIN RD, STE 200
NAMP, ID 83687-7901
Phone: 207-466-9272

DOUGLAS M & CHARLETA SCISM
MOONSHINE VENTURES LLC

Represented by:
MICHAEL P LAWRENCE
PO BOX 2720
BOISE, ID 83701
Phone: 208-388-1200

EVEA H POWERS
HAROLD A POWERS

Represented by:
WILLIAM G MYERS III
101 S CAPITOL BLVD, STE 1400
PO BOX 2527
BOISE, ID 83701-2527
Phone: 208-342-5000

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

