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DEPARTMENT OF  
WATER RESOURCES

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

NOV - 8 2007

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

By \_\_\_\_\_ Clerk  
Deputy Clerk

In Re SRBA

Case No. 39576

) Water Right: 74-15763 & 74-15764

)

)

)

ORDER OF PARTIAL DECREES

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On January 23, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 74, Reporting Area 23, for Irrigation and Other Water Rights*, which included recommendations for water right 74-00902.

On February 2, 2007, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Reports* notifying the Court that water right 74-00902 had been split into water rights 74-15727 and 74-15728. On June 13, 2007, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Reports* notifying the Court that water right 74-15728 had been split into water rights **74-15763 and 74-15764**. No objections were filed to those *Amended Director's Reports* and the time period for filing objections has expired.

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

DATED Nov. 5, 2007.

  
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 74-15763

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| NOV - 8 / 2007                                                                          |              |
| By _____                                                                                | Clerk        |
| _____                                                                                   | Deputy Clerk |

NAME AND ADDRESS: CARYL L ELZINGA  
GLENN A ELZINGA  
19 MOEN LN  
MAY, ID 83253-2000

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 1.10 CFS  
113.05 AFY

This right when combined with all other rights shall provide no  
more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 05/14/1914

POINT OF DIVERSION: T18N R24E S28 NWNW Within Lemhi County

|                               |                |                |                        |
|-------------------------------|----------------|----------------|------------------------|
| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|                               | Irrigation     | 03-15 TO 11-15 | 1.10 CFS<br>113.05 AFY |

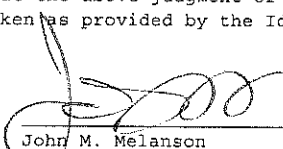
|               |                                |                     |
|---------------|--------------------------------|---------------------|
| PLACE OF USE: | Irrigation                     | Within Lemhi County |
|               | T19N R24E S28 LOT 2 (SWNW)23.0 | SENW 9.3            |
|               | 32.3 Acres Total               |                     |

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).

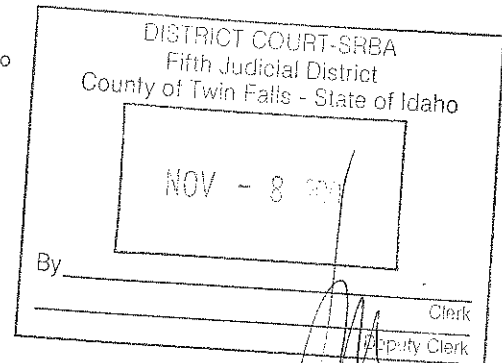
RULE 54(b) CERTIFICATE

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

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 74-15764



NAME AND ADDRESS: CINDY L FOLEY  
JAMES D FOLEY  
PO BOX 73  
TENDON, ID 83468

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.50 CFS  
52.50 AFY

This right when combined with all other rights shall provide no  
more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 05/14/1914

POINT OF DIVERSION: T18N R24E S28 NWNW Within Lemhi County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY              |
|-------------------------------|----------------|----------------|-----------------------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.50 CFS<br>52.50 AFY |

PLACE OF USE: Irrigation Within Lemhi County  
T19N R24E S28 LOT 2 (SWNW)15.0  
15.0 Acres Total

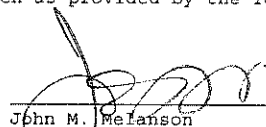
Right Nos. 74-15764 and 74-15766 are limited to the irrigation  
of a combined total of 15 acres in a single irrigation season.

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

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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

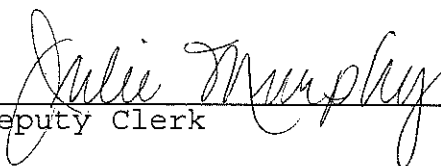
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on November 08, 2007, with sufficient first-class postage to the following:

CINDY L FOLEY  
JAMES D FOLEY  
PO BOX 73  
TENDON, ID 83468

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

CARYL L ELZINGA  
GLENN A ELZINGA  
19 MOEN LN  
MAY, ID 83253-2000

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.