

RECEIVED  
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Department of Water Resources

JUN 30 PM 3:01  
FILED  
JUL 1 2004  
TWIN FALLS, IDAHO  
*M*

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

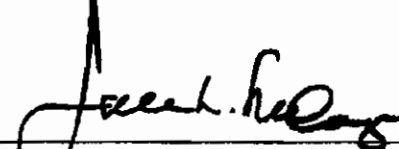
SUBCASES: 65-02306, 65-02926,  
65-02942, 65-02955, 65-03179  
and 65-03182

On May 6, 2004, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. 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 I*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

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

DATED June 30, 2004.

  
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

FILED 20 PM 3:01

In Re SRBA  
Case No. 39576

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 65-02306

FILED  
IDAHO

NAME AND ADDRESS: HELEN E CRUICKSMANX  
RT 1 BOX 70  
MC CALL, ID 83638

SOURCE: STOVER CREEK TRIBUTARY: BOULDER CREEK

QUANTITY: 0.70 CFS

PRIORITY DATE: 09/27/1922

POINT OF DIVERSION: T16N R03E S01 LOT 4 ( MNW) Within Valley County

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation 04-15 TO 10-15 0.70 CFS

PLACE OF USE: Irrigation Within Valley County  
T16N R03E S01 LOT 4 (NWN) 38.0  
38.0 Acres Total

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

BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS  
GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER  
AFTER OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A  
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3.  
IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT  
TO IDAHO CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN  
THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY  
FROM DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO  
ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN  
THE EVENT OF INJURY.

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 A. 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 65-02926

JUN 30 PM 3:01  
FILED  
TWIN FALLS CO. IDAHO

NAME AND ADDRESS: HELEN E CRUICKSHANK  
RT 1 BOX 70  
MC CALL, ID 83638

SOURCE: UNNAMED STREAM TRIBUTARY: LAKE FORK CREEK

QUANTITY: 800.00 APY

PRIORITY DATE: 12/03/1936

POINT OF DIVERSION: T10N R03E S13 SW/4 Within Valley County  
S15 NESW/4 (Rediversion)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY   |
|----------------------------|-------------------------|----------------|------------|
|                            | Irrigation Storage      | 01-01 TO 12-31 | 800.00 APY |
|                            | Irrigation from Storage | 04-15 TO 10-15 | 800.00 APY |

PLACE OF USE: Irrigation Storage Within Valley County  
Same as Irrigation from Storage

| Irrigation from Storage |           | Within Valley County |
|-------------------------|-----------|----------------------|
| T17N R01E S26           | NESW 40.0 | SESW 40.0            |
| S15                     | NENW 40.0 | NWNW 38.0            |
|                         | SWNW 40.0 | SENW 40.0            |
| 238.0 Acres Total       |           |                      |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 676 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02942, 65-02953,  
65-02958, 65-03179 & 65-03182.

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

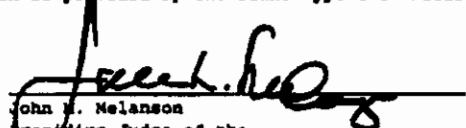
BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS  
GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER  
AFTER OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A  
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3.  
IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT  
TO IDAHO CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN  
THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY  
FROM DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO  
ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN  
THE EVENT OF INJURY.

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 A. Melanson  
Residing 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. 19576

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 65-02942

JUN 30 PM 3:01  
FILED  
TWIN FALLS, IDAHO

NAME AND ADDRESS: RELEN E CRUICKSHANK  
RT 1 BOX 70  
MC CALL, ID 83618

SOURCE: UNGAMED STREAM TRIBUTARY: LAKE FORK CREEK

QUANTITY: 300.00 APY

PRIORITY DATE: 08/17/1949

POINT OF DIVERSION: T16N R03E S13 SWNE Within Valley County  
S35 NESWN (Rediversion)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY   |
|----------------------------|-------------------------|----------------|------------|
|                            | Irrigation Storage      | 01-01 TO 12-31 | 300.00 APY |
|                            | Irrigation from Storage | 04-15 TO 10-15 | 300.00 APY |

PLACE OF USE: Irrigation Storage Within Valley County  
Same as Irrigation from Storage

| Irrigation from Storage |           | Within Valley County |
|-------------------------|-----------|----------------------|
| T16N R03E S02           | NENE 15.0 |                      |
| T17N R03E S26           | NESW 40.0 | SESW 40.0            |
| S35                     | NENE 35.0 | NWNE 39.0            |
|                         | SWNE 40.0 | SENE 33.0            |
|                         | NENW 40.0 | NWNW 38.0            |
|                         | SWNW 40.0 | SENW 40.0            |
|                         | NESW 40.0 | ESSW 39.0            |
|                         | NENE 31.0 | NWSE 40.0            |
|                         | SWSE 39.0 | SESE 27.0            |
| S36                     | NWNW 37.0 | SWNW 23.0            |
| 676.0 Acres Total       |           |                      |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 676 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02926, 65-02955,  
65-02958, 65-03179 & 65-03182.

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

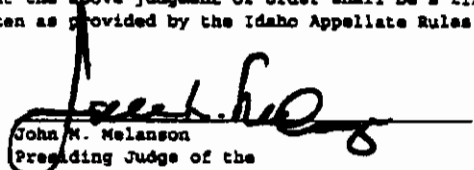
BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS  
GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER  
AFTER OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A  
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3.  
IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT  
TO IDAHO CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN  
THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY  
FROM DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO  
ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN  
THE EVENT OF INJURY.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
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RULE 54(b) CERTIFICATE

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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. 19576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 65-02955

2001 JUN 30 PM 3:01  
FILED  
TWIN FALLS CO. IDAHO

NAME AND ADDRESS: HELEN E CRUICKSHANK  
RT 1 BOX 70  
MC CALL, ID 83638

SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 1100.00 AFY

PRIORITY DATE: 11/17/1961

POINT OF DIVERSION: T16N R03E S13 SW1/4 Within Valley County  
S35 NE1/4 (Rediversion)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY    |
|----------------------------|-------------------------|----------------|-------------|
|                            | Irrigation Storage      | 01-01 TO 12-31 | 1100.00 AFY |
|                            | Irrigation from Storage | 04-15 TO 10-15 | 1100.00 AFY |

PLACE OF USE: Irrigation Storage Within Valley County  
Same as Irrigation from Storage

| Irrigation from Storage | Within Valley County |
|-------------------------|----------------------|
| T16N R03E S02           | SW1/4 15.0           |
| T17N R03E S26           | NE1/4 40.0           |
| S35                     | SE1/4 40.0           |
|                         | SW1/4 39.0           |
|                         | SE1/4 33.0           |
|                         | SW1/4 38.0           |
|                         | SE1/4 40.0           |
|                         | SW1/4 39.0           |
|                         | SE1/4 40.0           |
|                         | SW1/4 27.0           |
| 616.0 Acres Total       |                      |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 676 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02926, 65-02942,  
65-02958, 65-03179 & 65-03182.

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

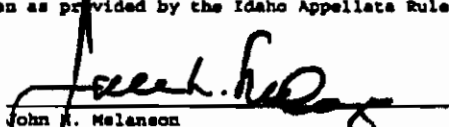
BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS  
GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER  
AFTER OCTOBER 18, 1977.

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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 )  
PARTIAL DECREE PURSUANT TO  
Case No. 19576 ) I.R.C.P. 54(b) FOR  
Water Right 65-03179

JUN 30 PM 3:01  
FILED  
TWIN FALLS, IDAHO  
SRBA

NAME AND ADDRESS: HELEN E CRUICKSHANK  
RT 1 BOX 70  
MC CALL, ID 83638

SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 2.88 CFS

PRIORITY DATE: 05/05/1999

POINT OF DIVERSION: T18N R03E S35 WESWQW Within Valley County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 05-01 TO 09-15 | 2.88 CFS |

| PLACE OF USE: | Irrigation        | Within Valley County   |
|---------------|-------------------|------------------------|
|               | T17N R03E S35     | NENE 35.0<br>SWNE 40.0 |
|               |                   | MWNE 39.0<br>SENE 31.0 |
|               | 147.0 Acres Total |                        |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 676 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02926, 65-02942,  
65-02955, 65-02956 & 65-03182.

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

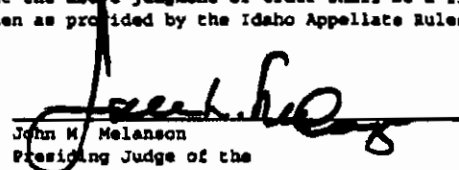
BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS  
GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER  
AFTER OCTOBER 18, 1977.

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RULE 54(b) CERTIFICATE

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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 65-03182

JUN 30 PM 3:01  
FILED  
JUN 30 1977  
TWIN FALLS, IDAHO

NAME AND ADDRESS: HELEN E CRUICKSHANK  
RT 1 BOX 70  
MC CALL, ID 83638

SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 4.80 CFS

PRIORITY DATE: 09/09/1919

POINT OF DIVERSION: T18N R01E S35 NESWN Within Valley County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 05-01 TO 09-15 | 4.80 CFS |

| PLACE OF USE: | Irrigation        | Within Valley County |
|---------------|-------------------|----------------------|
|               | T17N R02E S26     | SESW 40.0            |
|               | S35               | NESW 40.0            |
|               |                   | NWNW 38.0            |
|               |                   | SESW 40.0            |
|               | 238.0 Acres Total |                      |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 676 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02926, 65-02942,  
65-02955, 65-02958 & 65-03179.

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

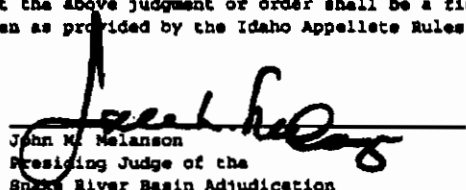
BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS  
GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER  
AFTER OCTOBER 18, 1977.

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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 June 30, 2004, with sufficient first-class postage to the following:

STATE OF IDAHO

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

USDI BUREAU OF RECLAMATION

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

HELEN E CRUICKSHANK

RT 1 BOX 70  
MC CALL, ID 83638  
Phone: 208-325-8549

ORDER

Page 1 6/30/04

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Deputy Clerk