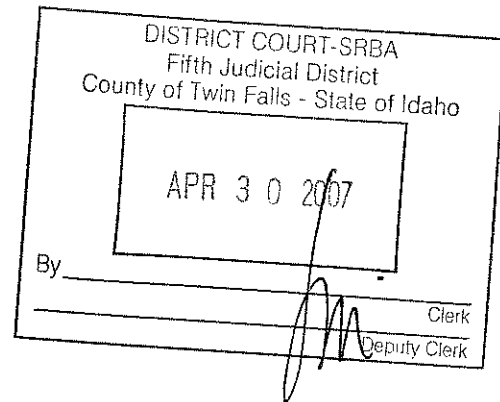




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right: 37-00059B
	)	
_____	)	

On February 13, 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 April 26, 2007.



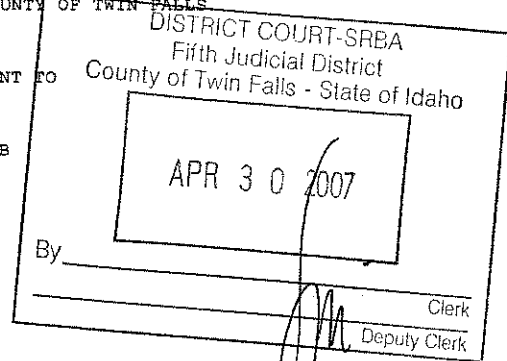
JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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 37-00059B



NAME AND ADDRESS: DONALD TABER
312 E 20 N
SHOSHONE, ID 83352

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

POINT OF INJECTION INTO JIM BYRNS SLOUGH THAT FLOWS INTO THE
LITTLE WOOD RIVER. POINT OF REDIVERSION FROM THE LITTLE WOOD
RIVER.

QUANTITY: 4.16 CFS

RIGHT SUBJECT TO 27% CONVEYANCE LOSS; 3.04 CFS CAN BE REDIVERTED
FROM LITTLE WOOD RIVER.

PRIORITY DATE: 05/27/1899

POINT OF DIVERSION: T02S R18E S30 SWSENE Within Blaine County
T03S R19E S19 SWNE (Injection)
T04S R19E S25 SENWSE (Injection)
T05S R18E S32 SENESE (Rediversion) Within Lincoln County
S33 NENWNE (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	4.16 CFS

PLACE OF USE:	Irrigation	Within Lincoln County
T05S R18E S28	SWSE 1.1	SESE 4.8
S32	SENE 9.1	NESE 35.0
S33	NENE 38.0	NWNE 18.0
	SWNE 35.0	SENE 40.0
	NENW 6.6	SWNW 7.4
	SENW 31.0	NESW 9.2
	NWSW 25.0	
S34	NWNW 40.0	SWNW 27.0
327.2 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 295 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 295 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-423 & 37-424.

USE OF THIS RIGHT WITH RIGHT 37-425 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 327.2 ACRES IN A SINGLE
IRRIGATION SEASON.

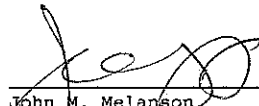
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

2007 APR 30 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): 37-00059B

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 37-00059B was mailed
on April 30, 2007, with sufficient first-class postage prepaid
to the following:

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

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

DONALD TABER
312 E 20 N
SHOSHONE, ID 83352
Phone: 208-886-2427

JULIE MURPHY
Chief Deputy Clerk