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MAR 12 2007

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| MAR 12 2007                                                                             |              |
| By _____                                                                                | Clerk        |
| _____                                                                                   | Deputy Clerk |

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

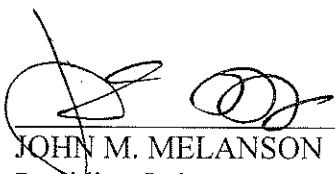
|                |   |                            |
|----------------|---|----------------------------|
| In Re SRBA     | ) | ORDER OF PARTIAL DECREE    |
|                | ) |                            |
| Case No. 39576 | ) | For Water Right: 22-02303C |
|                | ) |                            |
| _____          | ) |                            |

On January 22, 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 March 12, 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 22-02303C

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| MAR 12 2007                                                                             |              |
| By _____                                                                                | Clerk        |
| _____                                                                                   | Deputy Clerk |

NAME AND ADDRESS: BYU IDAHO  
244 PHYSICAL PLANT  
REXBURG, ID 83460-8205

SOURCE: GROUND WATER

QUANTITY: 0.73 CFS  
127.40 AFY

PRIORITY DATE: 06/25/1953

POINT OF DIVERSION: T06N R39E S20 SWNESE Within Madison County

|                               |                              |                                 |                                    |
|-------------------------------|------------------------------|---------------------------------|------------------------------------|
| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE<br>Irrigation | PERIOD OF USE<br>04-01 TO 10-31 | QUANTITY<br>0.73 CFS<br>127.40 AFY |
|-------------------------------|------------------------------|---------------------------------|------------------------------------|

|               |                                                 |                       |                                    |
|---------------|-------------------------------------------------|-----------------------|------------------------------------|
| PLACE OF USE: | Irrigation<br>T06N R39E S20<br>36.4 Acres Total | NESE 11.0<br>SWSE 1.4 | Within Madison County<br>NWSE 24.0 |
|---------------|-------------------------------------------------|-----------------------|------------------------------------|

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 MAR 12 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): 22-02303C |

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 22-02303C was mailed  
on March 12, 2007, with sufficient first-class postage prepaid  
to the following:

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

BYU IDAHO  
Represented by:  
RICHARD F. SMITH  
PO BOX 8  
REXBURG, ID 83440  
Phone: 208-356-4912

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

JULIE MURPHY  
Chief Deputy Clerk