

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

FEB - 2 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

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right: 63-31247

On December 19, 2006, 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 February 1, 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 63-31247

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

FEB - 2 2007

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: DALE M FRAZELL
KATHLEEN KEYS
15205 N MC FARLAND CREEK RD
BOISE, ID 83714

SOURCE: SPRING TRIBUTARY: MC FARLAND CREEK

QUANTITY: 0.12 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-31585, 63-31586 & 63-32082
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.22 CFS AND TO
A TOTAL STORED VOLUME OF 0.4 AF PER ANNUM.
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/19/1908

POINT OF DIVERSION: T05N R02E S29 SESWNW Within Ada County
SESWNW

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	0.12 CFS
Irrigation from Storage	03-01 TO 11-15	0.40 AFY
Stockwater	01-01 TO 12-31	0.03 CFS
Stockwater from Storage	01-01 TO 12-31	0.40 AFY
Irrigation Storage	03-01 TO 11-15	0.40 CFS
Stockwater Storage	01-01 TO 12-31	0.40 CFS

PLACE OF USE: Irrigation Within Ada County
T05N R02E S29 SWNW 5.1 SENW 1.2
NESW 0.7 NWSW 3.1
S30 NESE 0.9
11.0 Acres Total

Irrigation from Storage Within Ada County
Same as Irrigation

Stockwater Within Ada County
Same as Irrigation

Stockwater from Storage Within Ada County
Same as Irrigation

USE OF THIS RIGHT WITH RIGHT NO. 63-31585 AND 63-32082 IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 11 ACRES IN A SINGLE
IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3.9 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

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

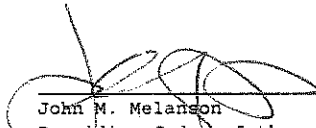
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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 FEB 02 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): 63-31247

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 63-31247 was mailed
on February 02, 2007, with sufficient first-class postage prepaid
to the following:

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

DALE M FRAZELL
15204 N MCFARLAND CREEK RD
BOISE, ID 83714
Phone: 208-433-9282

DALE M FRAZELL
KATHLEEN KEYS
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