

RECEIVED

JUL 20 2006

DISTRICT COURT-SRBA DEPARTMENT OF Fifth Judicial District WATER RESOURCES County of Twin Falls - State of Idaho	
JUL 19 2006	
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

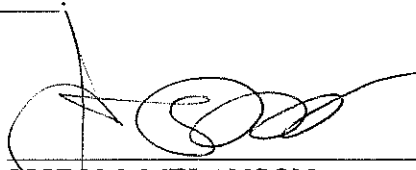
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right: 45-10754
	)	
_____	)	

On May 1 2006, a *Partially Amended Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Partially Amended 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 *Partially Amended 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)*.

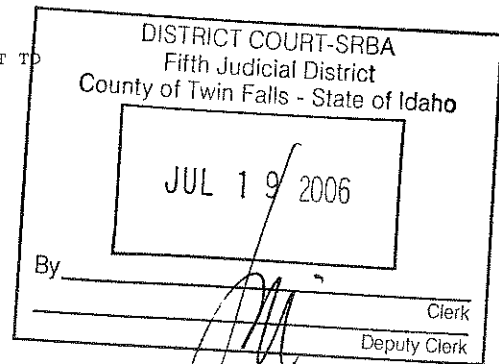
DATED July 18, 2006



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 45-10754



NAME AND ADDRESS: DELROY MITTON
SIDNEE MITTON
BOX 231
OAKLEY, ID 83346

SOURCE: BIRCH CREEK TRIBUTARY: GOOSE CREEK

QUANTITY: 0.01 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.269 CFS AT THE POINT OF MEASUREMENT IN THE SESESE OF SECTION 14, T14S, R22E. COMBINED RIGHT NOS.: 45-79A, 45-79J, 45-79K, 45-79L, 45-79M, 45-79N, 45-79P, 45-79Q, 45-79R, 45-79S, 45-79T, 45-79U, 45-10008, 45-10249, 45-10690, 45-10754, 45-10767, 45-10891, AND 45-11104.

PRIORITY DATE: 12/05/1882

POINT OF DIVERSION: T14S R22E S14 SESESE Within Cassia County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	02-28 TO 11-15	0.01 CFS

Domestic use is for 1 lawn.

PLACE OF USE: Domestic Within Cassia County
T14S R22E S33 SESW

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

THE OPERATION AND USE OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER ROTATION AGREEMENT ("AGREEMENT") ENTERED INTO BY CERTAIN USERS ON 10 SEPTEMBER 1992. THE AGREEMENT WAS FILED AND RECORDED IN THE OFFICE OF THE CASSIA COUNTY RECORDER ON 27 MAY, 1993 AS INSTRUMENT NO.: 224804; THE PROVISIONS OF SUCH AGREEMENT TO APPLY FULLY TO THIS WATER RIGHT. PLACE OF USE ALSO KNOWN AS RPOK002013004B.

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

2006 JUL 19 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): 45-10754

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 45-10754 was mailed
on July 19, 2006, with sufficient first-class postage prepaid
to the following:

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

TIM PAYTON, PRESIDENT
Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
TWIN FALLS, ID 83301-6167
Phone: 208-733-0700

DELROY MITTON
SIDNEE MITTON
BOX 231
OAKLEY, ID 83346
Phone: 208-862-3645

JULIE MURPHY
Chief Deputy Clerk