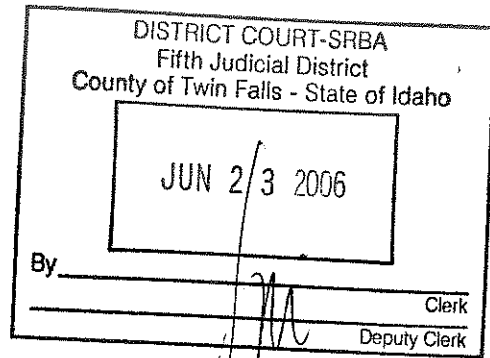




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) ORDER OF AMENDED PARTIAL DECREE
)
)
)
)
)
)
)

SUBCASES: 65-02943B

On April 12, 2006, a *Special Master's Recommendation Re: Motion to Amend Partial Decree* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Recommendation Re: Motion to Amend Partial Decree* 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 Recommendation Re: Motion to Amend Partial Decree* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right is hereby **decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decree* is replaced and superseded thereby.

DATED June 22, 2006.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

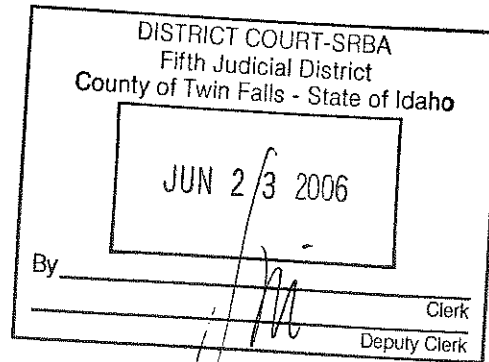
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 65-02943B



NAME AND ADDRESS: NANCY CUSSLER
RICHARD CUSSLER
14005 FARM TO MARKET RD
MC CALL, ID 83638

SOURCE: JUG CREEK TRIBUTARY: LOUIE CREEK

QUANTITY: 125.00 AFY

PRIORITY DATE: 12/31/1949

POINT OF DIVERSION: T17N R04E S05 LOT 3 (NENW) Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation from Storage	04-15 TO 10-15	125.00 AFY
	Irrigation Storage	01-01 TO 12-31	125.00 AFY

PLACE OF USE:	Irrigation from Storage	Within Valley County
	T18N R03E S35	SWNE 16.0
	49.0 Acres Total	SENE 33.0

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.

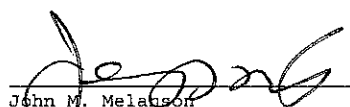
THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISIONS NO 3. IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO IDAHO CODE SEC 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY 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.

WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE was mailed on June 23, 2006, with sufficient first-class postage to the following:

NANCY CUSSLER

Represented by:
BRIAN L. MC MAHAN
PO BOX 1066
MC CALL, ID 83638
Phone: 208-634-7641

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

RICHARD CUSSLER
14005 FARM TO MARKET RD
MC CALL, ID 83638
Phone: 208-634-8333

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.