

2006 FEB -1 PM 4:39

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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	Water Rights 45-425D, 45-433, 45-514A, 45-516,
	)	45-7355, and 45-13549

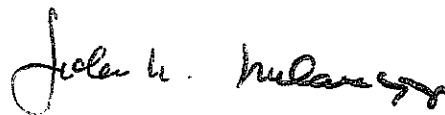
On September 7, 2004, the Idaho Department of Water Resources (IDWR) filed its *Director's Report for Irrigation & Other, Reporting Area 10, IDWR Basin 45* which contained the Director's recommendation for the above-listed water right claims. No objections were filed to these recommendations and the time for filing objections has expired.

On March 15, 2005, IDWR filed its *Case Management Report for Basin 45*. In that report, IDWR identified the above-listed, uncontested water right claims as overlapping with contested claim 45-2594B.

On November 7, 2005, Claimant Cranney Land Company, LLC, and Objector Howard & Sons, Inc., filed a *Standard Form 5* settlement agreement for contested water right claim 45-2594B. This settlement agreement did not address the above-listed overlapping claims, nor did that settlement agreement have any affect of the above-listed claims. Partial decrees were not issued for these claims pursuant to the *Order on Partial Decree* in subcase 45-2594B which was issued on January 6, 2006. See I.C. § 42-1412(7).

Therefore, IT IS ORDERED that water right claims 45-425D, 45-433, 45-514A, 45-516, 45-7355, and 45-13549 be **decreed** as recommended. Attached are *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED February 1, 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 45-13549

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NAME AND ADDRESS: CRANNEY LAND COMPANY LLC
1310 S 600 W
OAKLEY, ID 83346

SOURCE: GROUND WATER

QUANTITY: 0.76 CFS
300.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 45-7355 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 6.4 CFS.

PRIORITY DATE: 08/21/1978

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T12S R21E S24 SWSWSW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.76 CFS 300.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T12S R21E S24	
	NENE 39.0	NWNE 39.0
	SWNE 40.0	SENE 39.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 39.0	SESW 39.0
	NESE 39.0	NWSE 40.0
	SWSE 39.0	SESE 37.0
	630.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 45-7355 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 630 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 4235 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-425D, 45-433, 45-514A, 45-516, 45-2413,
45-2431, 45-2432, 45-2594B, 45-4045, 45-4107, 45-7055, 45-7064,
45-7150, 45-7242, 45-7307, 45-7355, 45-13549, 45-13550.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 75 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. Section 42-1412(6), Idaho
Code.

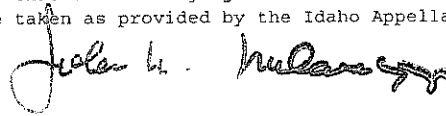
OTHER PROVISIONS (continued)

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 45-7355
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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 PARTIAL DECREE AND PARTIAL DECREES PURSUANT TO IRCP 54(B) was mailed on February 01, 2006, with sufficient first-class postage to the following:

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

CRANNEY LAND COMPANY LLC
1310 S 600 W
OAKLEY, ID 83346
Phone: 208-862-3346