

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 45-07439A

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

JAN - 6 2006

NAME AND ADDRESS: HOWARD R ADAMS & SONS INC
496 W 1000 S
BURLEY, ID 83318

SOURCE: GROUND WATER

RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS
OF SECTION 42-235, IDAHO CODE AND APPLICABLE WELL CONSTRUCTION
RULES OF THE DEPARTMENT.

By _____ Clerk
Deputy Clerk

QUANTITY: 1.46 CFS
475.20 AFY

THE RIGHT HOLDER SHALL RECORD THE QUANTITY OF WATER DIVERTED AND
ANNUALLY REPORT DIVERSIONS OF WATER AND/OR OTHER PERTINENT
HYDROLOGIC AND SYSTEM INFORMATION AS REQUIRED BY SECTION 42-701,
IDAHO CODE.

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE AT THE
FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT HOLDER
SHALL PROVIDE A MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPARTMENT
FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW
DETERMINATION OF THE TOTL RATE OF DIVERSION.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER RIGHTS 45-2377C, 45-2392, 45-2411, 45-2412,
45-2504, 45-2605, 45-2594A, 45-4041, 45-7439A AND 45-10365 SHALL
NOT EXCEED 20.10 CFS NOR A TOTAL COMBINED ANNUAL VOLUME OF
5812.8 AF.

PRIORITY DATE: 02/29/1980

DIVERSION AND USE OF WATER UNDER THIS RIGHT FROM THE ADDITIONAL
WELLS AUTHORIZED UNDER TRANSFER 71087 LOCATED IN SWSENW, SWNWSW,
SWSWSW, AND SWSSEW SEC. 8, T12S, R22E; NESW SEC. 9, T12S, R22E;
SESWNE SEC. 18, T12S, R22E; AND NENENE SEC. 19, T12S, R22E SHALL
BE SUBORDINATE TO ALL GROUND WATER RIGHTS EXISTING WITHIN THE
IMMEDIATE AREA PRIOR TO THE DATE OF APPROVAL OF THIS TRANSFER
UPON DETERMINATION OF INJURY DUE TO LOCAL WELL INTERFERENCE.
THIS RIGHT RETAINS ITS PRIORITY DATE OF 2/29/1980 RELATIVE TO
ALL OTHER ACTIONS TO DISTRIBUTE WATER.

POINT OF DIVERSION:	T12S R21E S24	NWNWNE	Within Cassia County
	R22E S08	SWSENW	
		SWNWSW	
		SWSWSW	
		SWSSEW	
	S09	NESW	
	S18	SESWNE	
	S19	NENENE	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.46 CFS 475.20 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T12S R22E S09	SWNW 3.9 NESW 24.0

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

PLACE OF USE (continued)

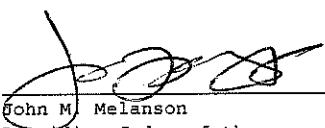
NWSW 34.0	SWSW 34.0
SESW 20.0	NWSE 2.9
118.8 Acres Total	

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

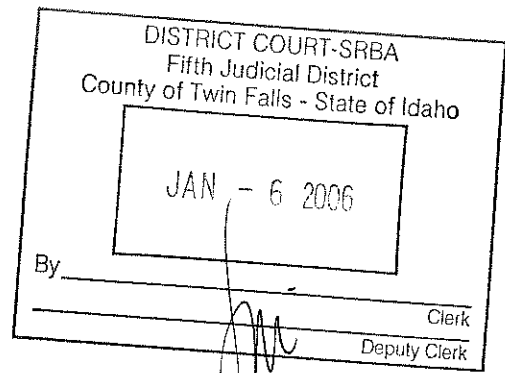
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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



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 DECREES

**SUBCASES: See Attached Exhibit A
(Howard R. Adams & Sons, Inc.)**

On November 22, 2005, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. 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 wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED January 5, 2006

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

HOWARD R. ADAMS & SONS, INC. (OPD)

Subcase Nos:

45-02377C
45-02392
45-02411
45-02412
45-02504
45-02594A
45-02605
45-04041
45-07439A
45-10365

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on January 06, 2006, with sufficient first-class postage to the following:

HOWARD R ADAMS & SONS INC

Represented by:

ROGER D LING

615 H ST

PO BOX 396

RUPERT, ID 83350-0396

Phone: 208-436-4717

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".