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JUL 13 2005
DEPARTMENT OF
WATER RESOURCES

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

JUL 17 2005

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

Water Right: 45-07567

Case No. 39576

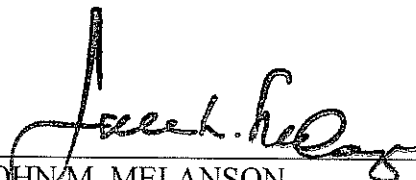
ORDER OF PARTIAL DECREE

On September 7, 2004, the Idaho Department of Water Resources filed its *Director's Report for Basin 45, Reporting Area 10, For Irrigation and Other Water Rights*, which included recommendations for the above named water right. No objections were filed and the time period for filing objections has expired.

On February 10, 2005, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court of a change in the basis of claim from a permit to an issued license in the above named water right. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

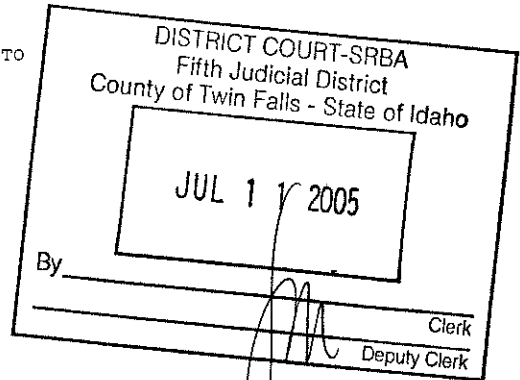
Therefore, IT IS ORDERED that the above-captioned water right be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July __/__, 2005.


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 45-07567



NAME AND ADDRESS: SOUTHWEST IRRIGATION DIST
PO BOX 668
BURLEY, ID 83318

SOURCE: BIG COTTONWOOD CREEK TRIBUTARY: DRY CREEK

QUANTITY: 20.00 CFS
2111.00 AFY

THE RIGHT HOLDER SHALL MAINTAIN A MEASURING DEVICE AND LOCKABLE
CONTROLLING WORKS OF A TYPE APPROVED BY THE DEPARTMENT IN A
MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE
DIVERSION.

PRIORITY DATE: 02/27/1985

POINT OF DIVERSION: T13S R21E S17 NWNESE Within Cassia County

THIS RIGHT DOES NOT GRANT ANY RIGHT-OF-WAY OR EASEMENT ACROSS THE
LAND OF ANOTHER.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Groundwater Recharge	03-01 TO 07-10	20.00 CFS 2111.00 AFY

PLACE OF USE: Groundwater Recharge Within Cassia County
T13S R21E S06 LOT 1 (NENE)
S08 SESW

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

THIS RIGHT IS SUBJECT TO THE AGREEMENT DATED 4/13/1985 BETWEEN
THE RIGHT HOLDER AND COTTONWOOD WATER USERS ASSN. TO THE EXTENT
SUCH AGREEMENT COVERS MATTERS WITHIN THE JURISDICTION OF THE
DEPARTMENT OF WATER RESOURCES.

PURSUANT TO SECTION 42-4201A(3), IDAHO CODE, THE DIRECTOR MAY
REDUCE THE AMOUNT OF WATER DIVERTED FOR RECHARGE PURPOSES UNDER
THIS RIGHT EVEN THOUGH THERE IS SUFFICIENT WATER TO SUPPLY THE
ENTIRE AMOUNT AUTHORIZED FOR APPROPRIATION UNDER THIS RIGHT.

PURSUANT TO SECTION 42-4201A(4), IDAHO CODE, TO INSURE THAT
OTHER WATER RIGHTS ARE NOT INJURED BY THE OPERATIONS OF THE
RECHARGE PROJECT AUTHORIZED BY THIS RIGHT, THE DIRECTOR HAS
AUTHORITY TO APPROVE, DISAPPROVE, OR REQUIRE ALTERATIONS IN THE
METHODS EMPLOYED TO ACHIEVE GROUND WATER RECHARGE.

TWO INJECTION WELLS ARE LOCATED IN THE NENE, SECTION 6 AND ONE
INJECTION WELL IS LOCATED IN THE SESW, SECTION 8; TOWNSHIP 13S,
RANGE 21E.

THE DISCHARGE OF WATER INTO INJECTION WELLS MUST BE AUTHORIZED
BY SEPARATE INJECTION WELL PERMITS.

PERMANENT MEASURING DEVICES THAT ARE CAPABLE OF MEASURING THE
FLOW INTO THE WELLS AND THE TOTAL VOLUME OF WATER INJECTED MUST
BE MAINTAINED AT EACH INJECTION WELL.

THIS RIGHT IS FOR THE DIVERSION OF WATERS AT TIMES WHEN THOSE
WATERS ARE NOT DIVERTED TO FILL RIGHTS HAVING PRIORITY DATES
EARLIER THAN THE DATE OF THIS RIGHT.

USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY A
WATERMASTER WITH RESPONSIBILITY FOR THE DISTRIBUTION OF WATER

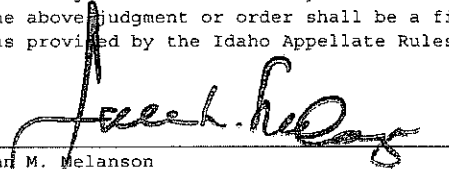
OTHER PROVISIONS (continued)

AMONG APPROPRIATORS WITHIN A WATER DISTRICT. AT THE TIME OF THIS APPROVAL, THIS WATER RIGHT IS WITHIN STATE WATER DISTRICT NO. 45K.

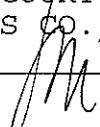
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

2005 JUL 11 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): 45-07567

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 45-07567 was mailed
on July 11, 2005, with sufficient first-class postage prepaid
to the following:

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

SOUTHWEST IRRIGATION DIST
PO BOX 668
BURLEY, ID 83318
Phone: 208-878-8382

JULIE MURPHY
Chief Deputy Clerk