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JAN 23 2001

Department of Water Resources

2001 JAN 22 PM 3: 57
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

Case No. 39576

)
)
)
)
ORDER OF PARTIAL DECREE

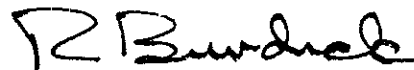
For Water Right 72-10222A

On June 15, 2000, a *Special Master's Report and Recommendation* was filed for the above water right. 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 water right 72-10222A is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January _____, 2001.



ROGER S. BURDICK
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)
Case No. 39576)
_____)

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

Water Right 72-10222A

2001 JAN 22 PM 3: 57

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: VALLEY SUN LLC
PO BOX 844
SUN VALLEY, ID 83353

SOURCE: SALMON RIVER, EAST FORK TRIBUTARY: SALMON RIVER

QUANTITY: 0.29 CFS
40.60 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 9.06 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1015.3 AF. COMBINED RIGHT NOS. 72-10220A,
72-10221A, 72-10222A AND 72-10237A.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 9.14 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1029.3 AF. COMBINED RIGHT NOS. 72-07505A,
72-10220A, 72-10221A, 72-10222A AND 72-10237A.

PRIORITY DATE: 05/01/1885

POINT OF DIVERSION: T11N R18E S26 SWSWNW Within Custer County
SESESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.29 CFS 40.60 AFY

PLACE OF USE:	Irrigation	Within Custer County
T11N R18E S26	SWNW 21.0 NWSW 28.0 SESW 28.8	NESW 40.0 SWSW 31.0
S27	SENE 24.0 SESE 5.0	NESE 27.0
S35	SWNE 12.0 NWNW 14.0 SENE 28.0	NENW 35.0 SWNW 0.3
294.1 Acres Total		

USE OF WATER WITHIN T11N R19E S27 SESE IS LIMITED TO THE
N1/2 NE1/4 AND THE SENE OF THAT PLACE OF USE.

USE OF WATER WITHIN T11N R18E S35 SWNW IS LIMITED TO THE
NENE OF THAT PLACE OF USE.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 11.6 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 290.1 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHTS NOS.: 72-10220A, 72-10221A, 72-10222A,
72-10237A.

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).

2001 JAN 22 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): 72-10222A

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 72-10222A was mailed
on January 22, 2001, with sufficient first-class postage prepaid
to the following:

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

VALLEY SUN LLC
PO BOX 844
SUN VALLEY, ID 83353

DIANA DELANEY
Chief Deputy Clerk

RECEIVED

JAN 23 2001

Department of Water Resources

2001 JAN 22 AM 11:45

DISTRICT COURT - SRBA
TWIN FALLS, 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
Case No. 39576

) FINAL ORDER DISALLOWING WATER
) RIGHT CLAIM 72-10222
)

On June 15, 2000, a *Special Master's Report and Recommendation* was filed for the above water right recommending that it dismissed. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

As this court has previously determined, all claims reported to the court by the Director of IDWR shall appear in a decree. This is required so that there is no confusion over action taken by the court on all claims reported to it.

THEREFORE IT IS ORDERED AND ADJUDGED that water right claim 72-10222 is hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

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.

DATED 1-22-01



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

2001 JAN 22 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): 72-10222

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 72-10222 was mailed
on January 22, 2001, with sufficient first-class postage prepaid
to the following:

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

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

CAROL ABATTI
JOHN ABATTI
HC 68 BOX 290
CLAYTON, ID 83227
Phone: 208-838-2684

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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01/22/01