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J. IDAHO

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

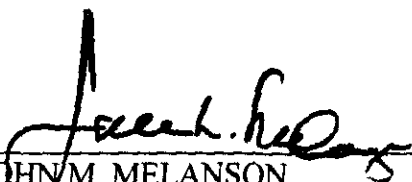
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right: 65-22617
	)	
	)	

On April 12, 2004, a *Special Master's Report and Recommendation* was filed for water right 65-22617. 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 Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 65-22617 be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED June 2, 2004.


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 65-22617

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FILED
TWIN FALLS CO., IDAHO
M

NAME AND ADDRESS. ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN, ID 83642

SOURCE BOULDER CREEK TRIBUTARY NORTH FORK PAYETTE RIVER

QUANTITY 0 23 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY

PRIORITY DATE 04/17/1973

POINT OF DIVERSION T16N R03E S02 SENE Within Valley County

PURPOSE AND PERIOD OF USE	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0 23 CFS

PLACE OF USE	Stockwater		Within Valley County
	T16N R03E S01	NESW	NWSW
		SWSW	SESW
	S02	NESE	SESE
	S12	NENW	NWNW
		SWNW	NWSW

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

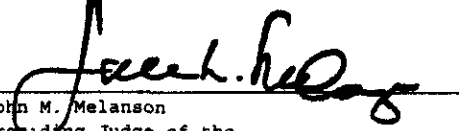
This water right shall be administered as being from a
separate source pursuant to Basin 65 General Provision No 3
If the holder of this right seeks to change the right pursuant
to Idaho Code Section 42-222 or successor statute, nothing in
this general provision shall preclude any other person or entity
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

Stockwater use is for 1000 range cattle

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

2004 JUN 02 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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 65-22617

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 65-22617 was mailed
on June 02, 2004, with sufficient first-class postage prepaid
to the following:

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

EASTERN WESTERN CORPORATION
ISLAND CAPITOL LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

UNITED STATES OF AMERICA
Represented by:
DAVID W GEHLERT
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATRUAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN, ID 83642

CERTIFICATE OF MAILING

JULIE MURPHY
Chief Deputy Clerk

PAGE 1
06/02/04

SCANNED
JUN 07 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 29 2004

DEPARTMENT OF
WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please print or type)

cc: to A

[] Water Right Number(s): 65-02371^{P.D.}, 65-02515A^{P.D.}, 65-02515B^{P.D.}, 65-03181^{P.D.},
65-04023^{P.D.}, 65-04033^{P.D.}, 65-07361^{P.D.}, 65-07417^{P.D.},
65-08482^{P.D.}, 65-08772^{P.D.}, 65-13977^{Permit}, 65-22616^{P.D.}, and
65-22617^{P.D.}

[] Name(s): Island Capitol, LLC

[] Old Mailing Address: 1409 East 1st Street

Meridian, Idaho 83642

[] New Mailing Address: 1409 North Main Street

Meridian, Idaho 83642

Telephone Number: (208) 288-0100

[] Signature(s) of Owner(s) 

Graye H. Wolfe, Sr., Member

(Include your title if on behalf of company or organization)

Date: 09/23/04

*re cond's
modified
9-30-04
-AP*

SCANNED

SEP 1 2004