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Department of Water Resources

2001 JAN -8 AM 11: 52

FILED IN DISTRICT COURT
TWIN FALLS, 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

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right 65-06306

On August 29, 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 65-06306 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 1-8-01



ROGER BURDICK
Presiding Judge of the
Snake River Basin Adjudication

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

Department of Water Resources

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 65-06306

2001 JAN - 3 AM 11: 52

TWIN FALLS, IDAHO
FILED

NAME AND ADDRESS: DON K WEILMUNSTER
PO BOX 4
GARDEN VALLEY, ID 83622

SOURCE: SHILLING CREEK TRIBUTARY: ALDER CREEK

QUANTITY: 3.40 CFS

PRIORITY DATE: 04/01/1886

POINT OF DIVERSION: T08N R04E S10 SENW Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	3.40 CFS

PLACE OF USE:	Irrigation		Within Boise County
	T08N R04E S03	NESW 2.0	SESW 18.0
		NWSE 1.0	SWSE 21.0
	LOT 07 (SESE)	11.0	
	S10 LOT 01 (NENE)	19.0	NWNE 40.0
		SWNE 16.0	SENE 11.0
		NENW 22.0	SENW 9.0
	170.0 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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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JAN - 9 2001

Department of Water Resources

2001 JAN 05 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): 65-06306

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 65-06306 was mailed
on January 05, 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

DON K WEILMUNSTER
PO BOX 4
GARDEN VALLEY, ID 83622
Phone: 208-462-3777

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/05/01

MILLEMANN, PITTENGER & McMAHAN, LLP
ATTORNEYS AT LAW
706 NORTH FIRST
POST OFFICE BOX 1066
MCCALL, IDAHO 83638

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JAN 09 2001

WATER RESOURCES
WESTERN REGION

STEVEN J. MILLEMANN
GREGORY C. PITTENGER
BRIAN L. McMAHAN
AMY N. PEMBERTON

TELEPHONE (208) 634-7641
FACSIMILE (208) 634-4516
E-MAIL mpm@micron.net

January 8, 2001

Idaho Department of Water Resources
Western Region
Attn: Denise Buffington or Lori Harris
2735 Airport Way
Boise, ID 83705

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JAN 12 2001

Department of Water Resources

Re: Donald K. Weilmunster

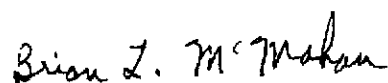
Dear Denise and/or Lori:

Attached to this cover letter is a Special Power of Attorney. Under it, Donald K. Weilmunster gives a power of attorney to Steven J. Millemann and/or Brian L. McMahan, and the powers given are for all water matters, e g., for SRBA claims, licenses, permits, and so forth.

Please file this Special Power of Attorney in your permanent records. A copy of the document is also enclosed. Will you please conform that copy and return it to us in the self-addressed stamped envelope which is provided for your convenience?

I have discussed this Special Power of Attorney with Dan Nelson; accordingly, if you have any questions regarding it, please contact him, and/or please feel free to contact me. Thank you.

Sincerely,



BRIAN L. McMAHAN

BLM/plp

Enc.

cc: Client

SPECIAL POWER OF ATTORNEY

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JAN 09 2001

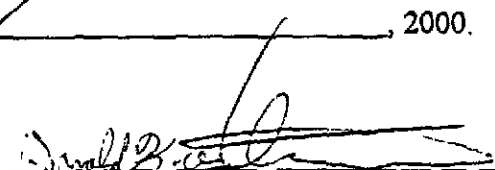
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
(ss.
County of Valley)

KNOW ALL MEN by these presents, that I, Donald K. Weilmunster, of P.O. Box 4, Garden Valley, Idaho 83622, do hereby make, constitute and appoint STEVEN J. MILLEMANN and/or BRIAN L. McMAHAN, of the law firm of Millemann, Pittenger & McMahan, LLP, P.O. Box 1066, City of McCall, County of Valley, State of Idaho, 83638, as my true and lawful attorneys-in-fact, for me, and in my name, place and stead. The Powers granted to the above-named persons are LIMITED to the following:

1. Preparing, executing and filing all documents advisable or required by the Idaho Department of Water Resources and/or the Snake River Basin Adjudication Court to establish, protect, administer and manage water rights on my Idaho properties.
2. The rights, powers and authority of said attorneys-in-fact shall not be terminated until revoked by me in writing.

DATED this 29 day of Nov, 2000.


DONALD K. WEILMUNSTER

STATE OF IDAHO,)
(ss.
County of Valley)

On this 29 day of November, 2000, before me, Patti L. Pfoest, a Notary Public in and for said State, personally appeared **DONALD K. WEILMUNSTER**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.




NOTARY PUBLIC FOR IDAHO
Residing at: McCall, Idaho
My Commission Expires: 2/22/2002

SPECIAL POWER OF ATTORNEY