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Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66086

This is to certify that: WILCOX BROTHERS L.L.C.
30 GOLDEN BEAUTY DR
REXBURG ID 83440
(208) 356 7563

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
31-7216	WR/Decreed	11/22/1976	2.16 cfs	N/A		738.0	GROUND WATER
31-2449	WR/Decreed	03/17/1973	1.54 cfs	269.5 af	77.0	738.0	GROUND WATER
31-2428	WR/Decreed	10/09/1964	2.16 cfs	892.5 af	255.0	738.0	GROUND WATER
31-2376	WR/Decreed	03/23/1959	3.26 cfs	570.5 af	163.0	738.0	GROUND WATER
31-2346	WR/Decreed	07/22/1955	6.94 cfs	1393 af	398.0	738.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
31-7216	NO	NO	YES	NO	NO	NO
31-2449	NO	NO	YES	NO	NO	NO
31-2428	NO	NO	YES	NO	NO	NO
31-2376	NO	NO	YES	NO	NO	NO
31-2346	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
31-7216	31-7216	2.16 cfs	919.5 af	N/A	738.0		N/A	N/A	N/A	N/A
31-2449	31-2449	1.54 cfs	269.5 af	77.0	738.0		N/A	N/A	N/A	N/A
31-2428	31-2428	2.16 cfs	892.5 af	255.0	738.0		N/A	N/A	N/A	N/A
31-2376	31-2376	3.26 cfs	570.5 af	163.0	738.0		N/A	N/A	N/A	N/A
31-2346	31-2346	6.94 cfs	1393 af	398.0	738.0		N/A	N/A	N/A	N/A
TOTALS		14.22 cfs	2583 af	738	738		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of December, 2002



Chief, Water Allocation Bureau

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FEB 11 2003

WATER RIGHT NO. 31-2346
As Modified by Transfer No. 66086

In accordance with the approval of Transfer No. 66086, Water Right No. 31-2346 is now described as follows.

Right Holder: WILCOX BROTHERS LLC
 30 GOLDEN BEAUTY DR
 REXBURG ID 83440

Priority Date: July 22, 1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	6.94 CFS	1,393.0 AF
			6.94 CFS	1,393.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	SWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWNW	Sec. 11 Twp 07N	Rge 34E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	2											34.1	33.5					67.6
07N	34E	3															34.2	33.6	67.8
07N	34E	10	33.8	34.1	40.0	40.0				36.1	32.9			40.0	40.0	38.1	40.0	40.0	415.0
07N	34E	11					34.2	33.7											67.9
07N	34E	15	40.0	39.9			39.8												119.7

Total Acres: 738

CONDITIONS OF APPROVAL

- The total instantaneous diversion of water from all points of diversion under Rights 31-2346, 31-2376, 31-2428, 31-2449 and 31-7216 shall not exceed 14.22 cfs, nor total combined annual volume of 2583.0 af and the irrigation of 738 acres.
- This right is limited to the irrigation of 398 acres within the place of use described above in a single irrigation season.
- The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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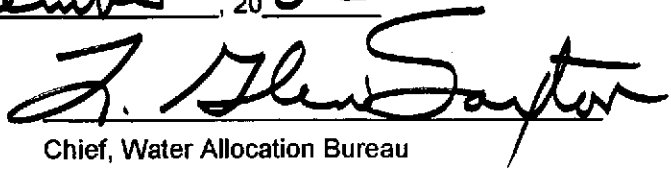
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WATER RIGHT NO. 31-2346
As Modified by Transfer No. 66086

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. 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 total rate of diversion.
9. Rights 31-2346 and 31-2449 when combined shall not exceed a total diversion rate of 7.26 cfs.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of December, 2002


Chief, Water Allocation Bureau

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WATER RIGHT NO. 31-2376
As Modified by Transfer No. 66086

In accordance with the approval of Transfer No. 66086, Water Right No. 31-2376 is now described as follows.

Right Holder: WILCOX BROTHERS LLC
 30 GOLDEN BEAUTY DR
 REXBURG ID 83440

Priority Date: March 23, 1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.26 CFS	570.5 AF
			3.26 CFS	570.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	SWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWNW	Sec. 11 Twp 07N	Rge 34E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 34E 2									34.1	33.5							67.6
07N 34E 3													34.2	33.6			67.8
07N 34E 10	33.8	34.1	40.0	40.0				36.1	32.9			40.0	40.0	38.1	40.0	40.0	415.0
07N 34E 11					34.2	33.7											67.9
07N 34E 15	40.0	39.9			39.8												119.7

Total Acres: 738

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 31-2346, 31-2376, 31-2428, 31-2449 and 31-7216 shall not exceed 14.22 cfs, nor total combined annual volume of 2583.0 af and the irrigation of 738 acres.
2. This right is limited to the irrigation of 163 acres within the place of use described above in a single irrigation season.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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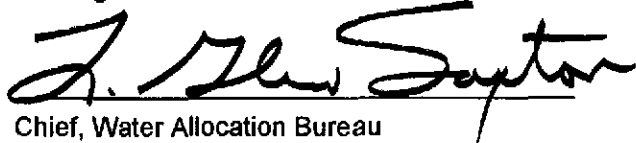
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WATER RIGHT NO. 31-2376
As Modified by Transfer No. 66086

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. 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 total rate of diversion.
9. Rights 31-2428 and 31-2376 when combined shall not exceed a total diversion rate of 4.8 cfs.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of December, 2002


Chief, Water Allocation Bureau

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WATER RIGHT NO. 31-2428
As Modified by Transfer No. 66086

In accordance with the approval of Transfer No. 66086, Water Right No. 31-2428 is now described as follows.

Right Holder: WILCOX BROTHERS LLC
 30 GOLDEN BEAUTY DR
 REXBURG ID 83440

Priority Date: October 09, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.16 CFS	892.5 AF
			2.16 CFS	892.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	SWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWNW	Sec. 11 Twp 07N	Rge 34E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 34E 2									34.1	33.5							67.6
07N 34E 3													34.2	33.6			67.8
07N 34E 10	33.8	34.1	40.0	40.0				36.1	32.9			40.0	40.0	38.1	40.0	40.0	415.0
07N 34E 11					34.2	33.7											67.9
07N 34E 15	40.0	39.9			39.8												119.7

Total Acres: 738

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 31-2346, 31-2376, 31-2428, 31-2449 and 31-7216 shall not exceed 14.22 cfs, nor total combined annual volume of 2583.0 af and the irrigation of 738 acres.
2. This right is limited to the irrigation of 255 acres within the place of use described above in a single irrigation season.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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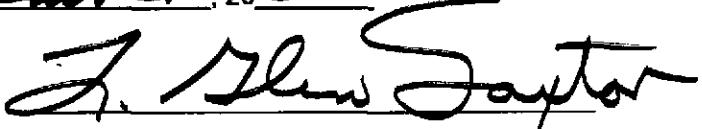
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WATER RIGHT NO. 31-2428
As Modified by Transfer No. 66086

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. 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 total rate of diversion.
9. Rights 31-2376 and 31-2428 when combined shall not exceed a total diversion rate of 4.8 cfs.
10. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 02/21/2002.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of December, 2002


Chief, Water Allocation Bureau

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WATER RIGHT NO. 31-2449
As Modified by Transfer No. 66086

In accordance with the approval of Transfer No. 66086, Water Right No. 31-2449 is now described as follows.

Right Holder: WILCOX BROTHERS LLC
 30 GOLDEN BEAUTY DR
 REXBURG ID 83440

Priority Date: March 17, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.54 CFS	269.5 AF
			1.54 CFS	269.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	SWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWNW	Sec. 11 Twp 07N	Rge 34E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 34E 2									34.1	33.5							67.6
07N 34E 3														34.2	33.6		67.8
07N 34E 10	33.8	34.1	40.0	40.0				36.1	32.9			40.0	40.0	38.1	40.0	40.0	415.0
07N 34E 11					34.2	33.7											67.9
07N 34E 15	40.0	39.9			39.8												119.7

Total Acres: 738

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 31-2346, 31-2376, 31-2428, 31-2449 and 31-7216 shall not exceed 14.22 cfs, nor total combined annual volume of 2583.0 af and the irrigation of 738 acres.
2. This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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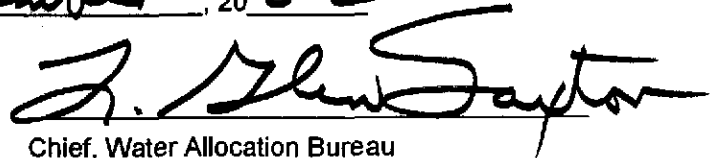
FEB 11 2005

WATER RIGHT NO. 31-2449
As Modified by Transfer No. 66086

5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. 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 total rate of diversion.
9. Rights 31-2346 and 31-2449 when combined shall not exceed a total diversion rate of 7.26 cfs.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of December, 2002


Chief, Water Allocation Bureau

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SEP 11 2003

WATER RIGHT NO. 31-7216
As Modified by Transfer No. 66086

In accordance with the approval of Transfer No. 66086, Water Right No. 31-7216 is now described as follows.

Right Holder: WILCOX BROTHERS LLC
 30 GOLDEN BEAUTY DR
 REXBURG ID 83440

Priority Date: November 22, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.16 CFS	919.5 AF
			2.16 CFS	919.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	SWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWNW	Sec. 11 Twp 07N	Rge 34E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 34E 2									34.1	33.5							67.6
07N 34E 3													34.2	33.6			67.8
07N 34E 10	33.8	34.1	40.0	40.0				36.1	32.9			40.0	40.0	38.1	40.0	40.0	415.0
07N 34E 11					34.2	33.7											67.9
07N 34E 15	40.0	39.9			39.8												119.7

Total Acres: 738

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 31-2346, 31-2376, 31-2428, 31-2449 and 31-7216 shall not exceed 14.22 cfs, nor total combined annual volume of 2583.0 af and the irrigation of 738 acres.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

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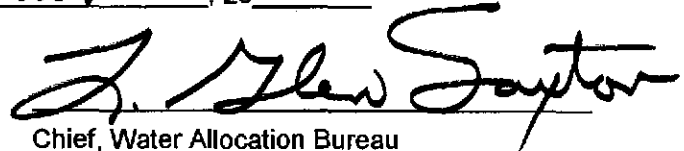
FEB 11 2001

WATER RIGHT NO. 31-7216
As Modified by Transfer No. 66086

5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. 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 total rate of diversion.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of December, 2002


Chief, Water Allocation Bureau

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.F. 54(b) FOR
Water Right 31-02449

NAME AND ADDRESS: WILCOX BROTHERS LLC
30 GOLDEN BEAUTY DR
REXBURG, ID 83440-3702

SOURCE: GROUND WATER

QUANTITY: 1.54 CFS
269.50 APY

RIGHT NOS. 31-02346, 31-02376, 31-02428, 31-02449 AND
31-07216 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.22
CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2583 AF.

USE OF THIS RIGHT WITH RIGHT NO. 31-02346 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.26 CFS.

PRIORITY DATE: 03/17/1973

POINT OF DIVERSION: T07N R34E S10 NWSE Within Jefferson County
NWNE
SWSE
S11 NWNW

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 11-01 1.54 CFS
269.50 APY

PLACE OF USE: Irrigation Within Jefferson County
T07N R34E S02 SWSW 40.0 SESW 40.0
S03 SMSW 6.0 SESE 35.0
S10 NENE 40.0 MNWE 31.0
SWNE 40.0 SENE 40.0
SESW 40.0 NESW 38.0
SESW 40.0 NESE 40.0
NWSE 38.0 SWSW 40.0
SESE 40.0
S11 NENW 38.0 NWNW 32.0
S15 NENE 40.0 NWNE 40.0
NENW 40.0
738.0 Acres Total

RIGHT NOS. 31-02346, 31-02376, 31-02428, 31-02449 AND
31-07216 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
738 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE PLACE OF USE
DESCRIBED ABOVE.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 77 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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).

SRBA PARTIAL DECREE PURSUANT TO I.R.C.F. 54(b)
Water Right 31-02449

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Feb-21-2002

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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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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FEB 11 2002

MEMORANDUM

TO: FILE 31-02449
FROM: VAULT
RE: TRANSFER # 66086
DATE: 12.6.02

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 31-2346

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