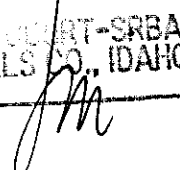


2004 NOV -2 PM 5: 50
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 

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

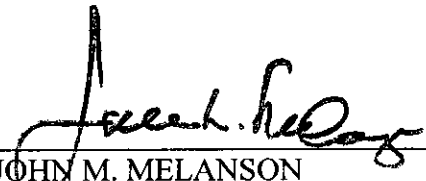
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	SUBCASES: 29-00320,
	)	29-00321 & 29-00322
	)	
	)	
	)	
	)	

On September 9, 2004, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. 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 the above-captioned water rights are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED November 2, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on November 02, 2004, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:

DAVID NEGRI

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATURAL RESOURCE

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

BONNIE JENKINS

DAVID MARK TREASURE

DEBBIE TREASURE

ELIZABETH VAUGHAN

Represented by:

RANDALL C BUDGE

PO BOX 1391

201 E CENTER, STE A2

POCATELLO, ID 83204-1391

Phone: 208-232-6101

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER

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FILE COPY FOR 00150

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized.

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 29-00322

2004 NOV -2 PM 5:50
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *JM*

NAME AND ADDRESS: ELIZABETH VAUGHAN
100 E 12TH ST
MC CAMMON, ID 83250

DEBBIE TREASURE
218 S 100 W
LOGAN, UT 84321

DAVID MARK TREASURE
2615 N 800 E
LOGAN, UT 84321

BONNIE JENKINS
368 S MAIN
MALAD, ID 83252

SOURCE: BIRCH CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 4.78 CFS

THE AMOUNT OF WATER DIVERTED UNDER THIS WATER RIGHT MAY NOT
EXCEED 4/24 OF THE STREAM FLOW OF BIRCH CREEK AT THE POINT OF
DIVERSION DESCRIBED BELOW AT ANY GIVEN TIME. THIS WATER RIGHT
SHALL NOT PROVIDE MORE THAN .02 CUBIC FEET PER SECOND PER ACRE
AT ANY TIME.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.78 CFS. COMBINED RIGHT NOS.:
29-320, 29-321, 29-322.

PRIORITY DATE: 10/10/1878

POINT OF DIVERSION:	T11S R36E S36	NENWNW	(Rediversion)	Within Bannock County
	T12S R36E S23	SESENE	(Rediversion)	
	S27	SENWSW		
		SENWSW	(Injection)	
		SWNWSW	(Injection)	
		SWNWSW		

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.78 CFS

PLACE OF USE:	Irrigation	Within Bannock County
	T11S R36E S25	NESW 10.0 NWSW 17.0
		SWSW 14.0 SESW 28.0
		SWSE 30.0 SESE 9.9
	S26	NESE 11.0 NWSE 2.2
		SWSE 18.0 SESE 34.0
	S35	NENE 1.1
	S36	NENE 12.0 NWNE 8.1
	R37E S30 LOT 3	(NWSW) 8.5 LOT 4 (SWSW) 35.0
	238.8 Acres Total	

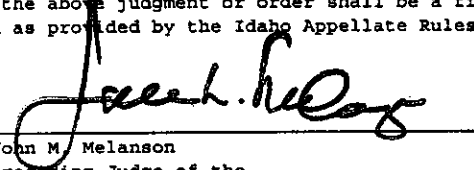
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 238.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

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.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication