

DISTRICT OF THE
 TWIN FALLS
 DISTRICT COURT-SRBA
 TWIN FALLS CO, IDAHO
 FILED
 LOWING WATER
 95A

**FINAL ORDER DISALLOWING WATER
RIGHT CLAIM 61-07195A**

ORDER OF PARTIAL DECREES FOR WATER RIGHTS 61-12010 & 61-12011

Page 1

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
Case No. 39576) I.R.C.P. 54(b) FOR
Water Right 61-12010

2004 OCT 25 PM 1:34
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CORP PRES BISHOP LDS CHURCH
NATURAL RESOURCE SERVICES
50 E NORTH TEMPLE ST FL 12
SALT LAKE CITY, UT 84150-6321

SOURCE: GROUNDWATER

ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF
WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

QUANTITY: 13.38 CFS
2680.00 AFY

RIGHTS 61-7210, 61-12010 AND 61-12013 WHEN COMBINED SHALL NOT
EXCEED A TOTAL DIVERSION RATE OF 17.73 CFS, A TOTAL ANNUAL
MAXIMUM DIVERSION VOLUME OF 4672 AF AT THE FIELD HEADGATE.

PRIORITY DATE: 09/06/1974

POINT OF DIVERSION: T02S R04E S36 SWSE Within Elmore County
SWSE
R05E S30 NWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	13.38 CFS 2680.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Elmore County
T02S R04E S25	NESW 36.0	NWSW 36.0
	SWSW 36.0	SESW 37.0
S36	NENE 36.0	NWNE 36.0
	SWNE 37.0	SENE 36.0
	NENW 36.0	NWNW 36.0
	SWNW 36.0	SENW 36.0
	NESE 36.0	NWSE 37.0
	SWSE 36.0	SESE 36.0
R05E S29	NWSW 3.0	SWSW 3.0
S30	NENW 37.0	NWNW 37.0
	SWNW 37.0	SENW 37.0
	NESW 36.0	NWSW 36.0
	SWSW 37.0	SESW 36.0
	NESE 36.0	NWSE 36.0
	SWSE 36.0	SESE 36.0
S31	NENW 37.0	NWNW 37.0
	SWNW 36.0	SENW 36.0
1168.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 670 ACRES WITHIN

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

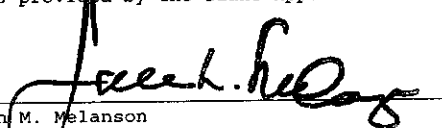
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 61-07210 AND 61-12013 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1168 ACRES IN
A SINGLE IRRIGATION SEASON.

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).

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

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 61-12011

2004 OCT 25 PM 1:52

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CINDER CONE BUTTE FARM LLC
5001 FIFESHIRE PL N
BOISE, ID 83713

SOURCE: GROUNDWATER

ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF
WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

QUANTITY: 3.40 CFS
680.00 AFY

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER RIGHT 61-12011 SHALL NOT EXCEED 3.40 CFS, NOR
TOTAL COMBINED ANNUAL VOLUME OF 680 AF.

RIGHTS 61-7306C, 61-7390, 61-12011 AND 61-12012 WHEN COMBINED
SHALL NOT EXCEED A TOTAL DIVERSION RATE OF 17.31 CFS, A TOTAL
ANNUAL MAXIMUM DIVERSION VOLUME OF 3500 AF AT THE FIELD
HEADGATE.

PRIORITY DATE: 09/06/1974

POINT OF DIVERSION: T02S R05E S20 SWSW Within Elmore County
SESW
SESW
SWSE
SESE
SESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.40 CFS 680.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Elmore County
	T02S R04E S20	SENE 34.0
	R05E S16	NESW 2.0 SWSW 40.0 SESW 35.0
	S17	NENW 10.0 SESW 39.0 SESW 39.0
	S19	NENE 32.0 NWNE 32.0 SENE 31.0
	S20	NENE 34.0 NWNE 34.0 SWNE 38.0 NESW 37.0 SWSW 37.0 SESW 40.0 NESE 36.0 NWSE 40.0 SWSE 40.0 SESE 36.0
	S21	NENW 33.0 NWNW 33.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

925.0 Acres Total SWNW 34.0 SENW 33.0

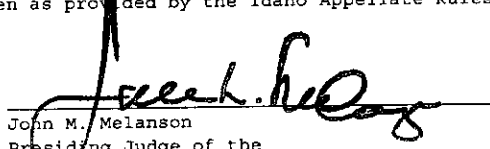
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 170 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NOS. 61-7306C, 61-7390, AND
61-12012 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 875
ACRES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY
TRANSFER 70097 WITHIN ONE (1) YEAR OF THE DATE OF THE APPROVAL.
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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF
PARTIAL DECREES FOR WATER RIGHTS 61-12010 & 61-12011 was mailed
on October 25, 2004, with sufficient first-class postage to
the following:

CORP PRES BISHOP LDS CHURCH
NATURAL RESOURCE SERVICES
50 E NORTH TEMPLE ST FL 12
SALT LAKE CITY, UT 84150-6321

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

CINDER CONE BUTTE FARM LLC
5001 FIFESHIRE PL N
BOISE, ID 83713

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".