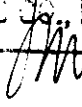


2004 SEP 29 AM 11:31
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 

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

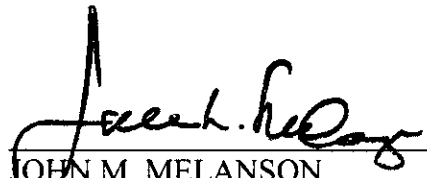
) ORDER OF PARTIAL DECREE
)
) For Water Right: 43-10421
)
)
)
_____)

On August 9, 2004, a *Special Master's Report and Recommendation* was filed for water right 43-10421. 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 43-10421 be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED September 29, 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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-10421

2004 SEP 29 AM 11:31
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *mm*

NAME AND ADDRESS: CAROL J WOODBURY
LYLE D WOODBURY
152 N YALE RD
DECLO, ID 83323

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 10.10 CFS

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.
USE OF RIGHT NOS. 43-10421, 43-10422 AND 43-10423 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 21.90 CFS.
USE OF RIGHT NOS. 43-2335, 43-13349, 43-13350, 43-7122A, 43-7122B 43-10421, 43-10422 AND 43-10423 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3032.4 AF AT THE FIELD HEADGATE.
PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT HOLDER SHALL PROVIDE A MEANS OF MEASUREMENT ACCPETABLE TO THE DEPARTMENT FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION.

PRIORITY DATE: 04/29/1883

POINT OF DIVERSION: T10S R27E S24 SENENW Within Cassia County
R28E S18 NWNENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	10.10 CFS

PLACE OF USE:	Irrigation	Within Cassia County
T10S R27E S13	SWSE 11.0	SESE 39.0
S24	NENE 38.0	NWNE 24.0
	NENW 17.0	
R28E S07	NENE 13.0	NWNE 23.0
	SWNE 40.0	SENE 38.0
	NENW 4.1	SENW 23.0
	NESW 28.0	LOT 3 (NWSW) 46.0
LOT 4	(SWSW) 29.0	SESW 33.0
	NESE 26.0	NWSE 40.0
	SWSE 26.0	
S18	NWNE 24.0	SWNE 9.0
	NENW 35.0	LOT 1 (NWNW) 38.0
LOT 2	(SWNW) 11.0	SENW 39.0
	NESW 23.0	LOT 3 (NWSW) 44.0
LOT 4	(SWSW) 36.0	SESW 3.2
S19 LOT 1	(NWNW) 18.0	
	778.3 Acres Total	

USE OF RIGHT NOS. 43-10421, 43-10422 AND 43-10423 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 398.2 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 758.1 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-02335, 43-13349, 43-13350, 43-07122A,

PLACE OF USE (continued)

43-07122B, 43-10421, 43-10422, & 43-10423.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 278 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

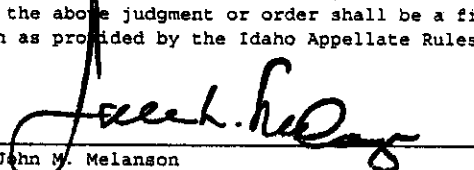
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY TRANSFER 70563 BY MAY 1, 2006.
FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF THE TRANSFER.

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 SEP 29 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 43-10421

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 43-10421 was mailed
on September 29, 2004, with sufficient first-class postage prepaid
to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CAROL J WOODBURY
LYLE D WOODBURY
152 N YALE RD
DECLO, ID 83323
Phone: 208-349-5591

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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09/29/04