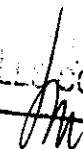


2004 SEP 29 AM 11:36
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 

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

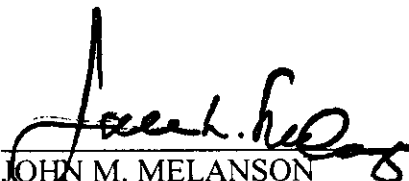
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right: 43-13350
	)	
_____	)	

On August 25, 2004, a *Special Master's Report and Recommendation* was filed for water right 43-13350. 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 43-13350 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

2001 SEP 29 AM 11:36

In Re SRBA

Case No. 19576

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

Water Right 43-13350

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: GROUND WATER

THE RIGHT HOLDER SHALL MAKE FULL BENEFICIAL USE OF ALL SURFACE
WATER RIGHTS AVAILABLE TO THE RIGHT HOLDER FOR IRRIGATION OF THE
LANDS AUTHORIZED TO BE IRRIGATED UNDER THIS RIGHT. THE RIGHT
HOLDER SHALL LIMIT THE DIVERSION OF GROUND WATER UNDER THIS RIGHT
TO THOSE TIMES WHEN THE SURFACE WATER SUPPLY IS NOT AVAILABLE OR
THE SURFACE WATER SUPPLY IS NOT REASONABLY SUFFICIENT TO IRRIGATE
THE PLACE OF USE AUTHORIZED UNDER THIS RIGHT.
IF THE SURFACE WATER RIGHTS APPURTENANT TO THE PLACE OF USE IS
SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE,
RIGHT TO DIVERT GROUNDWATER SHALL NOT BE USED WITHOUT AN
APPROVED TRANSFER PURSUANT TO SECTION 42-222, IDAHO CODE, OR
APPROVAL OF THE DEPARTMENT IF A TRANSFER IS NOT REQUIRED.

QUANTITY: 3.19 CFS
722.00 AFY

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.
THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE AT
THE FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.
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.
THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER RIGHTS 43-2335, 43-7122A AND 43-13350 SHALL NOT
EXCEED 10.40 CFS, NOR A TOTAL COMBINED ANNUAL VOLUME OF 2163.2 AF
AT THE FIELD HEADGATE.
RIGHTS 43-2335, 43-13349, 43-13350, 43-7122A, 43-7122B, 43-10421,
43-10422 AND 43-10423 WHEN COMBINED SHALL NOT EXCEED A TOTAL
ANNUAL MAXIMUM DIVERSION VOLUME OF 1032.4 AT THE FIELD
HEADGATE.

PRIORITY DATE: 12/13/1955

POINT OF DIVERSION: T10S R28E S07 SWSESW Within Cassia County
S18 SENESW
S19 LOT 1 (SWNNWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.19 CFS 722.00 AFY

THE PERIOD OF USE FOR THE IRRIGATION DESCRIBED IN THIS APPROVAL
MAY BE EXTENDED TO A BEGINNING DATE OF 3/15 AND AN ENDING DATE
OF 11/15 PROVIDED THAT BENEFICIAL USE OF THE WATER CAN BE SHOWN
AND OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF

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

PURPOSE AND PERIOD OF USE (continued)

WATER BEFORE 4/1 AND AFTER 10/31 IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE SRBA PARTIAL DECREE DATE.

PLACE OF USE:	Irrigation	Within Cassia County
	T10S R27E S13	SWSE 11.0
	S24	SESE 19.0
		NENE 38.0
		NENW 17.0
	R28E S07	NESW 16.0
	LOT 4	(SWSW)29.0
		NWSE 2.0
	S18	NWNE 24.0
		NENW 35.0
	LOT 2	(SWSW)11.0
		NESW 23.0
	LOT 4	(SWSW)36.0
	S19 LOT 1	(NWNW)18.0
	561.0 Acres Total	

USE OF RIGHT NOS. 43-2335, 43-7122A AND 43-13350 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 540.8 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF RIGHT NOS. 43-2335, 43-13349, 43-13350, 43-7122A, 43-7122B, 43-10421, 43-10422 AND 43-10423 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 758.1 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 125.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

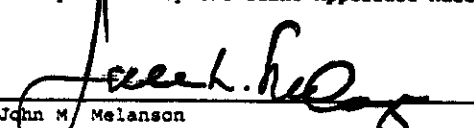
THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY TRANSFER 70599 BY MAY 1, 2006.

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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-13350

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 43-13350 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

CAROL J WOODBURY
LYLE D WOODBURY
152 N YALE RD
DECLO, ID 83323

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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09/29/04