

~~CONFIDENTIAL~~

**In Re SRBA** ) **ORDER OF PARTIAL DECREE**  
 )  
**Case No. 39576** ) **For Water Right: 43-10423**  
 )  
 )

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.

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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 ) Water Right 43-10423

2004 SEP 29 AM 11:33  
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: 8.00 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 ACCEPTABLE TO THE  
DEPARTMENT FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL  
ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION.

PRIORITY DATE: 01/25/1908

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 8.00 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    | SENE 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 | SENE 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 |             |                   |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 26.8 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE 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,

PLACE OF USE (continued)

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

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.

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

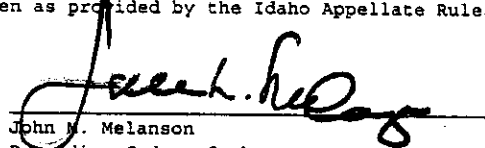
THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY TRANSFER 70563 BY MAY 1, 2006.

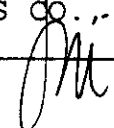
FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DEPARTMENT TO RESCIND APPROVAL OF THE TRANSFER.

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): 43-10423

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 43-10423 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