

2004 SEP 29 AM 11:32
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: 43-10422
	)	
	)	

On August 9, 2004, a *Special Master's Report and Recommendation* was filed for water right 43-10422. 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 43-10422 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

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DISTRICT COURT - SRBA
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FILED 44

QUANTITY: 3.80 CFS

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.

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 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,

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

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.

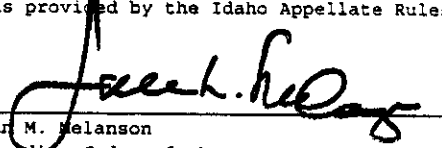
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

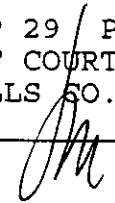
THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY TRANSFER 70563 BY MAY 1, 2006.
FAILURE OF THE RIGHT HOLDER TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO RESCIND APPROVAL OF THE TRANSFER.

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
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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): 43-10422

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 43-10422 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