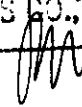


2004 SEP 29 PM 1:06

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

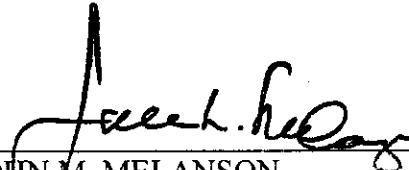
|                |   |                           |
|----------------|---|---------------------------|
| In Re SRBA     | ) | ORDER OF PARTIAL DECREE   |
|                | ) |                           |
| Case No. 39576 | ) | For Water Right: 29-04079 |
|                | ) |                           |
| _____          | ) |                           |

On August 18, 2004, an *Special Master's Report and Recommendation* was filed for water right 29-04079. 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 29-04079 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 29-04079

2004 SEP 29 PM 1:06

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED *M*

NAME AND ADDRESS: HELEN TOLER  
MAURICE A TOLER  
231 E GLOVER RD  
ARIMO, ID 83214

SOURCE: GARDEN CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 1.00 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 3.50 CFS. COMBINED RIGHT NOS.:  
29-376, 29-377, 29-389, 29-390, 29-4079 AND 29-4080.

PRIORITY DATE: 04/01/1921

POINT OF DIVERSION: T10S R36E S11 SWSENW Within Bannock County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 1.00 CFS |

| PLACE OF USE: | Irrigation    | Within Bannock County                            |
|---------------|---------------|--------------------------------------------------|
|               | T10S R36E S02 | SWNE 7.3<br>SESW 12.0<br>S11<br>37.1 Acres Total |
|               |               | NESW 7.7<br>NWSE 3.8<br>SENE 1.9                 |

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 117.2 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 29-376, 29-377, 29-389, 29-390, 29-4079  
AND 29-4080.

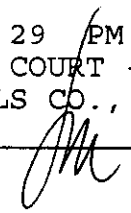
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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*  
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): 29-04079

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 29-04079 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

HELEN TOLER  
MAURICE A TOLER  
231 E GLOVER RD  
ARIMO, ID 83214  
Phone: 208-254-3361

MAURICE A & HELEN TOLER  
231 E GLOVER ROAD  
ARIMO, ID 83214  
Phone: 208-254-3361

JULIE MURPHY  
Chief Deputy Clerk

CERTIFICATE OF MAILING

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09/29/04