

2004 AUG 31 PM 4:32
DISTRICT COURT
TWIN FALLS
FILED
IT-SRBA
IDAHO

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

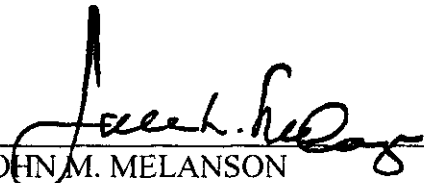
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right: 33-02133
	)	
_____	)	

On July 30, 2004, a *Special Master's Report and Recommendation* was filed for water right 33-02133. 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 33-02133 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED August 31, 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 33-02133

2004 AUG 31 PM 4:32
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

NAME AND ADDRESS: SAGEWILLOW INC
C/O KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405-0130

SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS
BIG SPRING CREEK TRIBUTARY: LITTLE LOST RIVER

QUANTITY: 9.88 CFS
2960.00 AFY

PRIORITY DATE: 06/22/1949

POINT OF DIVERSION: T07N R27E S02 SWSENE Within Butte County
S12 NESWNW
R28E S05 NENWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Groundwater Recharge	11-01 TO 04-01	9.88 CFS
			2960.00 AFY
	Irrigation		2960.00 AFY

PLACE OF USE:	Irrigation	Within Butte County
T07N R27E S01	SWSW 2.0	
S12	NWNE 21.0	SWNE 40.0
	SENE 35.0	NENW 36.0
	NWNW 30.0	SWNW 6.9
	SENE 26.0	NESW 32.0
	SESW 30.0	NESE 40.0
	NWSE 32.0	SWSE 27.0
	SESE 39.0	
S13	NENE 32.0	NWNE 34.0
	NENW 2.1	
R28E S07	NENE 2.1	SWNE 35.0
	SENE 40.0	LOT 2 (SWNW) 35.0
	SENE 38.0	NESW 40.0
LOT 3	(NWSW) 39.0	LOT 4 (SWSW) 39.0
	SESW 40.0	NESE 40.0
	NWSE 40.0	SWSE 40.0
	SESE 40.0	
S08	NENW 5.0	NWNW 13.0
	SWNW 40.0	SENE 20.0
	NWSW 40.0	SWSW 32.0
S18	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	LOT 1 (NWNW) 39.0
LOT 2	(SWNW) 28.0	SENE 36.0
	NESE 34.0	NWSE 16.0
1436.1 Acres Total		

Groundwater Recharge	Within Butte County
T07N R27E S01	SWSW
S12	NWNE
	SENE
	NWNW
	SENE

PLACE OF USE (continued)

	SESW		NESE
	NWSE		SWSE
	SESE		
S13	NENE		NWNE
	NENW		
R28E S07	NENE		SWNE
	SENE	LOT 2	(SWNW)
	SENW		NESW
LOT 3	(NWSW)	LOT 4	(SWSW)
	SESW		NESE
	NWSE		SWSE
	SESE		
S08	NENW		NWNW
	SWNW		SENW
	NWSW		SWSW
S18	NENE		NWNE
	SWNE		SENE
	NENW	LOT 1	(NWNW)
LOT 2	(SWNW)		SENW
	NESE		NWSE

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3019.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091, 33-2133 and 33-7018.

RIGHTS 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81 AND 33-82 OVERLAP 268 ACRES WITHIN THE 1483 ACRES AUTHORIZED UNDER RIGHTS 33-2057 AND 33-2083; AND OVERLAP 382 ACRES WITHIN THE 1436.1 ACRE PLACE OF USE DESCRIBED UNDER RIGHT 33-2133.

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

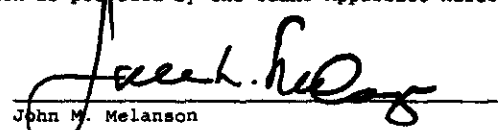
CONTINUED DIVERSION OF WATER UNDER THE RESUMED PORTIONS OF RIGHTS 33-2057 AND 33-2083 (301 ACRES), AND RIGHT 33-2091 (73 ACRES) ARE DEEMED MITIGATED BY, AND THEREFORE ARE EXPRESSLY CONTINGENT UPON, CONTINUED DIVERSION OF WINTER WATER USE UNDER RIGHT 33-2133 TO THE EXTENT WATER IS AVAILABLE FOR DIVERSION UNDER THAT WATER RIGHT.

RIGHT 33-2133 IS FOR NON-IRRIGATION SEASON DIVERSION OF THE ABOVE REFERENCED SOURCES FOR GROUND WATER RECHARGE PURPOSES TO PROVIDE WATER FOR MITIGATION AND SUB-IRRIGATION UNDER RIGHT 33-2133. PRIOR TO DIVERSION OF WATER UNDER TRANSFER NOS. 4221 THRU 4227, THE RIGHT HOLDER SHALL PROVIDE A MEANS OF MEASUREMENT AND LOCKABLE CONTROLLING WORKS FOR ALL AUTHORIZED POINTS OF DIVERSION. THE MEANS OF MEASUREMENT AND CONTROLLING WORKS MUST BE SUITABLE FOR CONTROL OF THE DIVERSIONS AND ACCEPTABLE TO THE WATERMASTER.

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

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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): 33-02133

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE was mailed
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 33-02133 was mailed on
on August 31, 2004, with sufficient first-class postage prepaid with
to the following:

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

SAGEWILLOW INC
SAGEWILLOW INC C/O KENT FOSTER
Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

BLAINE COUNTY CANAL COMPANY
MAYS LAND AND LIVESTOCK INC
Represented by:
MICHAEL C. CREAMER
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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08/31/04