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DEPARTMENT OF
WATER RESOURCES

2004 AUG -2 PM 1:39
DISTRICT COURT-SREA
TWIN FALLS CO., IDAHO
FILED *M*

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

ORDER OF PARTIAL DECREE

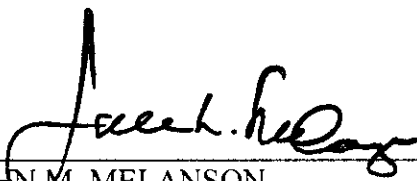
SUBCASES: 65-01151, 65-01317, 65-02138,
65-02532A, 65-02540, 65-02869, 65-03803B,
65-07833, 65-10747, 65-10748, 65-10749,
65-11393A and 65-12751

On June 29, 2004, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. 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 wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED August 2, 2004.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on August 02, 2004, with sufficient first-class postage to the following:

D R & J INVESTMENTS LIMITED PA

Represented by:

JACK C RIDDLEMOSER

1905 GARRISON LANE

KUNA, ID 83634

Phone: 208-922-3403

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

D R & J INVESTMENTS LIMITED PA

8973 W STATE ST

BOISE, ID 83703-1729

Phone: 208-583-1371

ORDER

Page 1 8/02/04

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Deputy Clerk

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. 19576)
)
) Water Right 65-02540

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DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED *jm*

NAME AND ADDRESS: D R & J INVESTMENTS LIMITED PA
8973 W STATE ST
BOISE, ID 83703-1729

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 3.20 CFS
922.55 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.02 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 4.5 AF PER ACRE AT FIELD
HEADGATE. COMBINED RIGHT NOS.: 65-02532A, 65-10749, 65-01151,
65-01317, 65-10748, 65-11393A, 65-02138, 65-10747, 65-02869,
65-22775, 65-22778.

PRIORITY DATE: 04/26/1951

POINT OF DIVERSION: T07N R02E S23 LOT 4 (NWSE) Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.85 CFS 823.50 AFY
	Recreation	04-01 TO 11-01	0.35 CFS 99.00 AFY
	Recreation Storage	04-01 TO 11-01	99.00 AFY
	Diversion to Storage	04-01 TO 11-01	0.35 CFS

PLACE OF USE:	Irrigation	Within Boise County
	T06N R02E S02 LOT 4 (NWNW) 14.0	SWNW 6.3
		SENW 16.0
		NESW 0.1
	T07N R02E S23	SESW 6.0
		NWSE 1.4
		SWSE 28.5
		SESE 3.0
	S26	NENE 28.0
		NWNE 39.0
		SWNE 38.0
		SENE 3.5
		NENW 19.0
		SENW 21.1
		NESW 19.6
		SESW 18.0
		NWSE 28.0
		SWSE 8.3
	S34	SENE 13.9
		NESE 39.0
		NWSE 3.8
		SWSE 1.6
		SESE 34.0
	S35	NENW 4.4
		SWNW 20.5
		NWSW 34.0
		SWSW 28.0
	477.0 Acres Total	
	Recreation	Within Boise County
	Same as Irrigation	
	Recreation Storage	Within Boise County
	Same as Irrigation	
	Diversion to Storage	Within Boise County
	Same as Irrigation	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 183 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO

PLACE OF USE (continued)

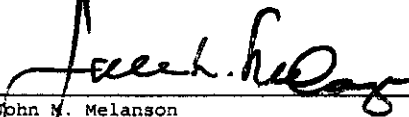
THE IRRIGATION OF A COMBINED TOTAL OF 477 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02532A, 65-01151, 65-10749, 65-01317, 65-10748, 65-11393A, 65-02138, 65-10747, 65-02869, 65-22775, 65-22778.

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
Presiding Judge of the
Snake River Basin Adjudication