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DEPARTMENT OF
WATER RESOURCES

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DISTRICT COURT - SRBA
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

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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 65-02138

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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: PETERSON GULCH CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.40 CFS

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.: 65-11393A, 65-10748, 65-01317,
65-01151, 65-10749, 65-02532A, 65-02540, 65-10747, 65-02869
65-22775, 65-22778.

PRIORITY DATE: 05/22/1912

POINT OF DIVERSION: T07N R02E S35 SESE Within Boise County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 11-01 0.40 CFS

PLACE OF USE: Irrigation Within Boise County

T06N R02E S02 LOT 4	(NWNW) 14.0	SWNW 6.3
	SESW 16.0	NESW 0.1
T07N R02E S23	SESW 6.0	LOT 7 (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	SESW 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		

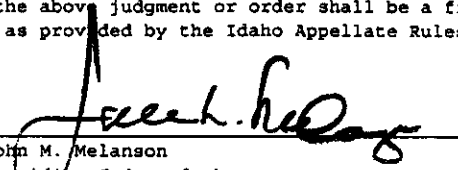
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 477 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-11393A, 65-10748,
65-01317, 65-01151, 65-10749, 65-02532A, 65-02540, 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