

RECEIVED
AUG 03 2004
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

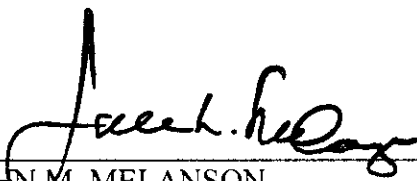
SUBCASES: 65-01151, 65-01317, 65-02138,
65-02532A, 65-02540, 65-02869, 65-03803B,
65-07833, 65-10747, 65-10748, 65-10749,
65-11393A and 65-12751

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

FILE COPY FOR 00494


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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-10748

2004 AUG -2 PM 1:40
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: 0.80 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 AT FIELD HEADGATE.
COMBINED RIGHT NOS.: 65-02532A, 65-10749, 65-01151, 65-01317,
65-10747, 65-11393A, 65-02138, 65-02540, 65-02869, 65-22775,
65-22778.

USE OF THIS RIGHT WITH RIGHT NO. 65-2869 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.86 CFS.

PRIORITY DATE: 04/01/1968

POINT OF DIVERSION: T07N R02E S35 LOT 2 (SNNW) Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.80 CFS

PLACE OF USE:	Irrigation	Within Boise County
	T06N R02E S02 LOT 4 (NWNW) 14.0	SNNW 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
		SENE 3.5
		SESW 21.1
		SESW 18.0
		SWSE 8.3
	S34	SENE 13.9
		NENE 39.0
		SESE 1.6
		SESE 34.0
	S35	NENW 4.4
		SNNW 20.5
		SWSW 28.0
		NWSW 34.0
	477.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

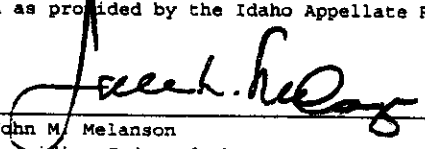
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 477 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02532A, 65-01151,
65-10749, 65-01317, 65-10747, 65-11393A, 65-02138, 65-02540,
65-02869, 65-22775, 65-22778.

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