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DISTRICT ATTORNEY - CREA
SALT LAKE CO, IDAHO
FILED *M*

In Re SRBA
Case No. 39576

ORDER OF PARTIAL DECREE
-
SUBCASES: SEE ATTACHED
EXHIBIT A (LIST - FILE 795)

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.

DATED August 3, 2004.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

65-02204
65-02500
65-02501
65-02601
65-03125
65-03126
65-03127
65-03128
65-03247
65-03248
65-07136
65-07603
65-07789
65-09076
65-10533
65-10534
65-10535
65-10536

(Subcase list: FILE 795)
8/03/04

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. 39576)
)
) Water Right 65-07603

NAME AND ADDRESS: JG SCHWARZ
KRISTIN SCHWARZ
6000 BIG WILLOW RD
PAYETTE, ID 83661

SOURCE: DRY CREEK TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 10.00 CFS
660.00 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 3.5 AF PER ACRE AT FIELD
HEADGATE. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-03248,
65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-03128,
65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536,
65-02601, 65-07136.

PRIORITY DATE: 01/20/1976

POINT OF DIVERSION: T09N R02W S27 NESE Within Payette County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation from Storage	03-01 TO 11-15	660.00 AFY
	Diversion to Storage	11-15 TO 03-01	10.00 CFS
			660.00 AFY
	Irrigation Storage	01-01 TO 12-31	660.00 AFY

PLACE OF USE: Irrigation Storage Within Payette County
Same as Irrigation from Storage

Irrigation from Storage		Within Payette County	
T08N R02W S02	SWNE 17.0	SWNW 4.0	
	SENE 10.0	NESW 14.0	
	NWSW 28.0	NWSE 3.0	
S03	SENE 12.0	LOT 4 (NWNW) 4.0	
	NESW 15.0	SWSW 32.0	
	SESW 36.0	NESE 33.0	
	NWSE 37.0	SWSE 24.0	
	SESE 8.0		
S04	SWNE 2.0	SENE 24.0	
	NESW 22.0	NWSW 23.0	
	SWSW 38.0	SESW 38.0	
	NESE 7.0	NWSE 23.0	
	SWSE 21.0	SESE 15.0	
S05	SWSW 18.0	SESW 21.0	
	SWSE 27.0	SESE 36.0	
S07	NENE 19.0	SWNE 5.0	
S08	NENE 4.0	NWNE 10.0	
	NENW 11.0	NWNW 31.0	
S09	NENE 3.0	NENW 4.0	
	NWNW 1.0		
S10	NWNE 24.0	SWNE 2.0	
	NENW 25.0	NWNW 30.0	
	SWNW 19.0	SENE 24.0	
T09N R02W S34	SWNW 12.0	NWSW 14.0	
	SWSW 10.0		

PLACE OF USE (continued)

840.0 Acres Total

Diversion to Storage
Same as Irrigation from Storage

Within Payette County

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 929 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02204, 65-03274, 65-03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-03128, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07136.

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

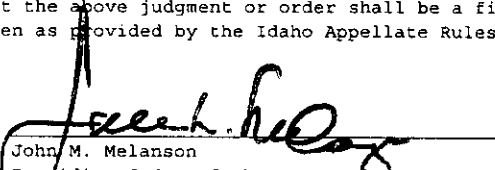
BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3. IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO IDAHO CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON FROM DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN THE EVENT OF INJURY.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on August 03, 2004, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:
DAVID W GEHLERT
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATRUAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JG SCHWARZ

KRISTIN SCHWARZ

Represented by:
SCOTT L. CAMPBELL
101 S CAPITOL BLVD, 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.