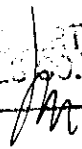


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DEPARTMENT OF  
WATER RESOURCES

2004 AUG -3 PM 2: 20  
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

) ORDER OF PARTIAL DECREE  
)  
)

) For Water Right: 65-00395  
)  
)  
)  
)

On June 25, 2004, an *Special Master's Report and Recommendation* was filed for water right 65-00395. 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 65-00395 be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED August 3, 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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 ) Water Right 65-00395

2004 AUG -3 PM 2:20  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED *jm*

NAME AND ADDRESS: MOSES CATTLE CO  
C/O ROY MOSES  
8777 OLA HWY  
SWEET, ID 83670

SOURCE: COTTONWOOD CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 0.12 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL  
NOT EXCEED 13,000 GALLONS PER DAY.  
USE OF THIS RIGHT WITH RIGHT NO. 65-11405 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF .02 CFS PER ACRE AT FIELD HEADGATE.

PRIORITY DATE: 05/29/1927

POINT OF DIVERSION: T08N R01E S33 SENE Within Gem County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 11-01 | 0.12 CFS |
|                               | Stockwater     | 01-01 TO 12-31 | 0.03 CFS |
|                               |                |                | 1.40 AFY |

|               |                 |          |                   |
|---------------|-----------------|----------|-------------------|
| PLACE OF USE: | Irrigation      |          | Within Gem County |
|               | T08N R01E S33   | NENE 2.0 | SENE 4.0          |
|               | 6.0 Acres Total |          |                   |
| Stockwater    |                 |          | Within Gem County |
|               | T08N R01E S33   | NENE     | SENE              |

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR  
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL  
USE.

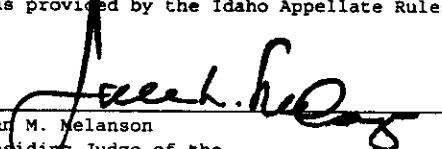
Basin 65 General Provisions No. 3, the Separate Streams  
General Provision, does not apply to appropriations of water  
after October 18, 1977.

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 or entity  
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

2004 AUG 03 PM 02:00  
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): 65-00395

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 65-00395 was mailed  
on August 03, 2004, with sufficient first-class postage prepaid  
to the following:

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

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

MOSES CATTLE CO  
C/O ROY MOSES  
8777 OLA HWY  
SWEET, ID 83670  
Phone: 208-584-3436

JULIE MURPHY  
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
08/03/04