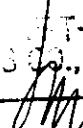


RECEIVED
AUG 04 2004
DEPARTMENT OF
WATER RESOURCES

2004 AUG -3 PM 2:29
T-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: 65-22778

On June 22, 2004, an *Amended Special Master's Report and Recommendation* was filed for water right 65-22778. No Challenges were filed to the *Amended 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 *Amended Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 65-22778 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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-22778

2008 AUG -3 PM 2:29
DISTRICT COURT OF IDAHO
TWIN FALLS CO. IDAHO
FILED

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

SOURCE: PORTER CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.04 CFS
6.80 AFY

Use of this right with rights listed below is limited to a total
combined diversion rate of 0.02 cfs per acre and to a total
combined annual diversion volume of 4.5 af per acre at field
headgate. Combined right nos.: 65-1151, 65-1317, 65-2138,
65-2532A, 65-2540, 65-2869, 65-10747, 65-10748, 65-10749,
65-11393A, 65-22775.

PRIORITY DATE: 06/01/1908

POINT OF DIVERSION: T07N R02E S12 NWSE Within Boise County

Rights 65-10746 and 65-22775 are also diverted through the point
of diversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 11-01	0.04 CFS
		6.80 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT
EXCEEDED. THE USE OF WATER BEFORE APRIL 1 IS SUBORDINATE TO ALL
WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION
USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE
IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

Irrigation	Within Boise County
T06N R02E S02	SNNW 6.3
	SENN 16.0
	NESW 0.1
T07N R02E S23	NWSE 1.4
	SESE 3.0
S26	NWNE 39.0
	SENE 3.5
	SENN 21.1
	SESW 18.0
	SWSE 8.3
S34	NESE 39.0
	SWSE 1.6
	SESE 34.0
S35	SNNW 20.5
	SWSW 28.0
	NWSW 34.0
477.0 Acres Total	

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.: 65-1151, 65-1317,
65-2138, 65-2532A, 65-2540, 65-2869, 65-10747, 65-10748,
65-10749, 65-11393A, 65-22775.

PLACE OF USE (continued)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

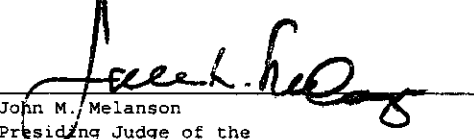
Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

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 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): 65-22778

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 65-22778 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

D R & J INVESTMENTS LTD
PARTNERSHIP
8973 W STATE ST
BOISE, ID 83703-1729

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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08/03/04