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DEPARTMENT OF
WATER RESOURCES

2004 AUG -3 PM 2:28
TWIN FALLS CO., IDAHO
FILED *AM*

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: 65-22775
)
)
)
)

On June 22, 2004, a *Special Master's Report and Recommendation* was filed for water right 65-22775. 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 65-22775 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 65-22775

2004 AUG -3 PM 2:29
DISTRICT COURT - SRBA
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: 3.78 CFS
861.70 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 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, 65-22778.

PRIORITY DATE: 01/01/1872

POINT OF DIVERSION: T07N R02E S12 NWSE Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	3.78 CFS 861.70 AFY

PLACE OF USE:	Irrigation	Within Boise County
T06N R02E S02	NWNW 14.0	SWNW 6.3
	SESW 16.0	NESW 0.1
T07N R02E S23	SESW 6.0	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 18.0
	NESW 19.6	SWSE 8.3
	NWSE 28.0	NESE 39.0
S34	SENE 13.9	SWSE 1.6
	NWSE 3.8	
	SESE 34.0	
S35	NENW 4.4	SWNW 20.5
	NWSW 34.0	SWSW 28.0
	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, 65-22778.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 191.5 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.

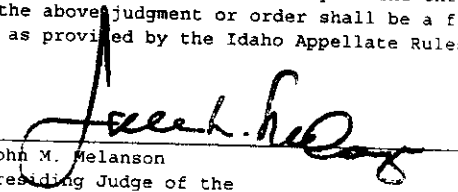
OTHER PROVISIONS (continued)

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 65-22775

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 65-22775 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