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AUG 02 2004

DEPARTMENT OF  
WATER RESOURCES

JUL 30 PM 4:36

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

SUBCASES: 63-31733, 63-31734,  
63-31735 and 63-31736

On June 23, 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 July 30, 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

2004 JUL 30 PM 4:37

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 ) Water Right 63-31733

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED  
*M*

NAME AND ADDRESS: RAYMOND TAYLOR THURMAN  
HC 87 BOX 594  
FEATHERVILLE, ID 83647

SOURCE: SOUTH FORK BOISE RIVER TRIBUTARY: BOISE RIVER

QUANTITY: 0.868 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF .16 CFS AT THE FIELD HEADGATE.  
COMBINED RIGHT NUMBERS: 63-31733, 63-31734 & 63-31735.

PRIORITY DATE: 04/15/1930

POINT OF DIVERSION: T03N R12E S07 NESW Within Elmore County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 04-15 TO 10-31 | 0.868 CFS |

PLACE OF USE: Irrigation Within Elmore County  
T03N R11E S11 SWSW 0.8  
0.8 Acres Total

ALL PLACES OF USE ARE ON PRIVATE LAND WITHIN HOMESTEAD ENTRY  
SURVEY (HES) 149.  
USE OF THIS RIGHT WITH RIGHT NOS. 63-31734 & 31-31735 IS LIMITED  
TO THE IRRIGATION OF A COMBINED TOTAL OF 8 ACRES.  
USE OF THIS RIGHT WITH RIGHT NO. 63-31734 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF .8 ACRES IN A SINGLE  
IRRIGATION SEASON.

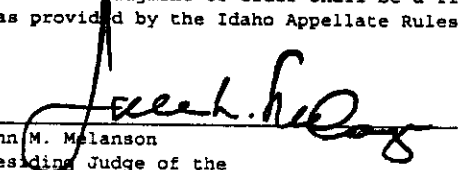
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE RECOMMENDATION BY THE IDAHO DEPARTMENT OF WATER RESOURCES AND  
THE DECREE BY THE SNAKE RIVER BASIN ADJUDICATION COURT OF ANY OF  
THE ELEMENTS OF THIS WATER RIGHT DO NOT CONSTITUTE A FACTUAL OR  
LEGAL DETERMINATION OF THE APPROPRIATORS RIGHT TO USE, OR OF ANY  
OWNERSHIP INTEREST IN, THE DITCHES CONNECTING THE POINT OR POINTS  
OF DIVERSION TO THE PLACE OR PLACES OF USE.

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

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 63-31734

2001 JUL 30 PM 4:37  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED *jm*

NAME AND ADDRESS: RAYMOND TAYLOR THURMAN  
HC 87 BOX 594  
FEATHERVILLE, ID 83647

SOURCE: BIG WATER GULCH TRIBUTARY: SOUTH FORK BOISE RIVER  
LITTLE WATER GULCH TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.494 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF .16 CFS AT THE FIELD HEADGATE.  
COMBINED RIGHT NUMBERS: 63-31733, 63-31734 & 63-31735.

PRIORITY DATE: 10/05/1899

POINT OF DIVERSION: T03N R11E S12 NESW Within Elmore County  
LOT 7 (SESE )

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 04-15 TO 10-31 | 0.494 CFS |

PLACE OF USE: Irrigation Within Elmore County  
T03N R11E S11 SWSW 0.8  
0.8 Acres Total

ALL PLACES OF USE ARE ON PRIVATE LAND WITHIN HOMESTEAD ENTRY  
SURVEY (HES) 149.  
USE OF THIS RIGHT WITH RIGHT NOS. 63-31733 & 63-31735 IS LIMITED  
TO THE IRRIGATION OF A COMBINED TOTAL OF 8 ACRES.  
USE OF THIS RIGHT WITH RIGHT NO. 63-31733 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF .8 ACRES IN A SINGLE IRRIGATION  
SEASON.

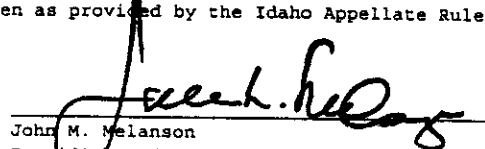
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE RECOMMENDATION BY THE IDAHO DEPARTMENT OF WATER RESOURCES AND  
THE DECREE BY THE SNAKE RIVER BASIN ADJUDICATION COURT OF ANY OF  
THE ELEMENTS OF THIS WATER RIGHT DO NOT CONSTITUTE A FACTUAL OR  
LEGAL DETERMINATION OF THE APPROPRIATORS RIGHT TO USE, OR OF ANY  
OWNERSHIP INTEREST IN, THE DITCHES CONNECTING THE POINT OR  
POINTS OF DIVERSION TO THE PLACE OR PLACES OF USE.

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

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\_\_\_\_\_  
John M. Melanson  
Presiding Judge of the  
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 63-31735

2004 JUL 30 PM 4:37  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED *[Signature]*

NAME AND ADDRESS: RAYMOND TAYLOR THURMAN  
HC 87 BOX 594  
FEATHERVILLE, ID 83647

SOURCE: BIG WATER GULCH CREEK TRIBUTARY: SOUTH FORK BOISE RIVER  
VAN GULCH TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.775 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF .16 CFS AT THE FILED HEADGATE.  
COMBINED RIGHT NUMBERS: 63-31733, 63-31734 & 63-31375.

PRIORITY DATE: 10/05/1899

POINT OF DIVERSION: T03N R11E S11 LOT 2 (SENE ) Within Elmore County  
S12 NWNE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 04-15 TO 10-31 | 0.775 CFS |

| PLACE OF USE: | Irrigation      |          | Within Elmore County |
|---------------|-----------------|----------|----------------------|
|               | T03N R11E S11   | NESW 1.1 | NWSW 3.8             |
|               |                 | SWSW 2.9 | SESW 0.2             |
|               | 8.0 Acres Total |          |                      |

ALL PLACES OF USE ARE ON PRIVATE LAND WITHIN HOMESTEAD ENTRY  
SURVEY (HES) 149.

USE OF THIS RIGHT WITH RIGHT NOS. 63-31733 & 63-31734 IS LIMITED  
TO THE IRRIGATION OF A COMBINED TOTAL OF 8 ACRES IN A SINGLE  
IRRIGATION SEASON.

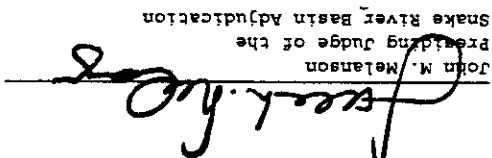
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THE RECOMMENDATION BY THE IDAHO DEPARTMENT OF WATER RESOURCES AND  
THE DECREE BY THE SNAKE RIVER BASIN ADJUDICATION COURT OF ANY OF  
THE ELEMENTS OF THIS WATER RIGHT DO NOT CONSTITUTE A FACTUAL OR  
LEGAL DETERMINATION OF THE APPROPRIATORS RIGHT TO USE, OR OF ANY  
OWNERSHIP INTEREST IN, DITCHES CONNECTING THE POINTS OF DIVERSION  
TO THE PLACE OR PLACES OF USE.

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  
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John M. Melanson  
Presiding Judge of the  
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 63-31736

2004 JUL 30 PM 4:37  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED *JM*

NAME AND ADDRESS: RAYMOND TAYLOR THURMAN  
HC 87 BOX 594  
FEATHERVILLE, ID 83647

SOURCE: STEVENS GULCH TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.024 CFS

PRIORITY DATE: 10/05/1899

POINT OF DIVERSION: T03N R11E S11 LOT 4 ( NWSW) Within Elmore County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 04-15 TO 10-31 | 0.024 CFS |

PLACE OF USE: Irrigation Within Elmore County  
T03N R11E S11 NWSW 0.8  
0.8 Acres Total

ALL PLACES OF USE ARE ON PRIVATE LAND WITHIN HOMESTEAD ENTRY  
SURVEY (HES) 149.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
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*John M. Melanson*  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

2004 JUL 30 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): 63-31733 |

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 63-31733 was mailed  
on July 30, 2004, with sufficient first-class postage prepaid  
to the following:

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

EDGAR L STEVENS WATER USERS  
Represented by:  
BRUCE M. SMITH  
225 NORTH 9TH ST, STE 420  
BOISE, ID 83702  
Phone: 208-331-1800

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

RAYMOND TAYLOR THURMAN  
HC 87 BOX 594  
FEATHERVILLE, ID 83647

CERTIFICATE OF MAILING

JULIE MURPHY  
Chief Deputy Clerk

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07/30/04