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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 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.

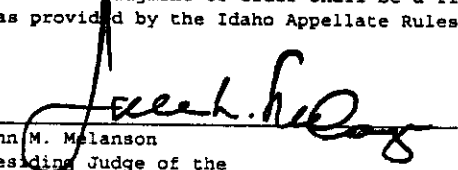
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 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.

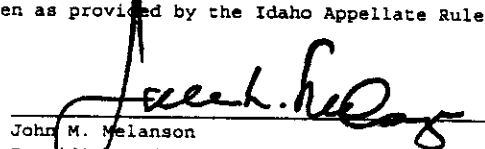
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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 63-31735

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

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 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.

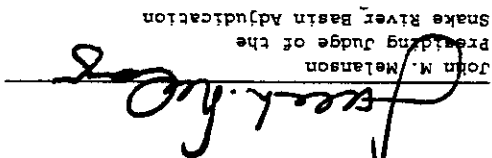
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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, 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
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ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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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 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
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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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