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Department of Water Resources

JUN 30 PM 3:08
TWIN FALLS, 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

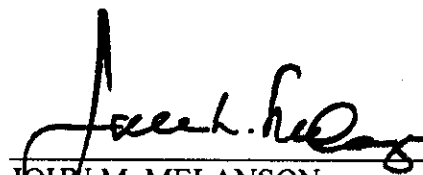
SUBCASES: 65-02371,
65-03181 and 65-07417

On May 6, 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 June 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

In Re SRBA)
Case No. 19576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-02371

2007 JUN 30 PM 3:08

FILED
JUN 30 2007
TWIN FALLS, IDAHO

NAME AND ADDRESS: ISLAND CAPITOL LLC
C/O GRAYE H WOLFE SR
1409 E 1ST ST
MERIDIAN, ID 83642

SOURCE: UNNAMED STREAM TRIBUTARY: LAKE FORK CREEK

QUANTITY: 1.60 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 65-03181 & 65-07417 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.0 CFS.

PRIORITY DATE: 07/15/1930

POINT OF DIVERSION: T18N R03E S35 NESWN Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	1.60 CFS

PLACE OF USE:	Irrigation	Within Valley County
	T16N R03E S03	NESE 40.0 NWSE 39.0 SWSE 38.0 SESE 39.0
	156.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-03181 & 65-07417.

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

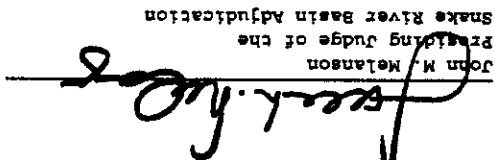
BASIN 65 GENERAL PROVISION NO. 3, THE SEPARATE STREAMS GENERAL
PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER
OCTOBER 18, 1977.

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 THE CHANGE THE RIGHT PURSUANT TO IDAHO
CODE 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

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 65-03181

2001 JUN 30 PM 3:08
DISTRICT COURT
TWIN FALLS, IDAHO
FILED *M*

NAME AND ADDRESS: ISLAND CAPITOL LLC
C/O GRAYE H WOLFE SR
1409 E 1ST ST
MERIDIAN, ID 83642

SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 3.20 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 65-02371 & 65-07417 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.0 CFS.

PRIORITY DATE: 09/09/1919

POINT OF DIVERSION: T16N R03E S35 NESWNW Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 09-15	3.20 CFS

PLACE OF USE:	Irrigation		Within Valley County
	T16N R03E S02	NESW 24.0	NWSW 40.0
		SWSW 39.0	SESW 8.0
	S03	NESE 40.0	NWSE 39.0
		SWSE 38.0	SESE 39.0
	267.0 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02371 & 65-07417.

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

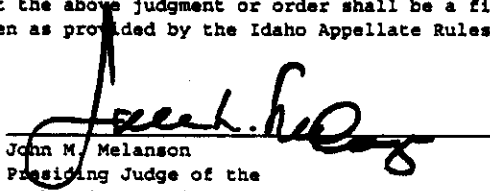
BASIN 65 GENERAL PROVISION NO. 3, THE SEPARATE STREAMS GENERAL
PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER
OCTOBER 18, 1977.

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 THE CHANGE THE RIGHT PURSUANT TO IDAHO
CODE 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
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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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 65-07417

2001 JUN 30 PM 3:08

FILED
TWIN FALLS CO., IDAHO
Jm

NAME AND ADDRESS: ISLAND CAPITOL LLC
C/O GRAYE H WOLFE SR
1409 E 1ST ST
MERIDIAN, ID 83642

SOURCE: UNNAMED STREAM TRIBUTARY: BOULDER CREEK

QUANTITY: 1.51 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 65-02371 & 65-03181 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.0 CFS.

PRIORITY DATE: 11/03/1973

POINT OF DIVERSION: T17N R03E S35 SESW Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	06-15 TO 09-15	1.51 CFS

PLACE OF USE:	Irrigation	Within Valley County
	T16N R03E S02	NESW 37.0 NWSW 40.0 SESW 26.0
	S03	NESE 40.0 NWSE 40.0 SESE 39.0
	300.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02371 & 65-03181.

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

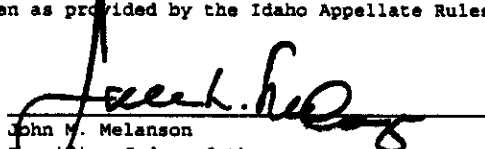
BASIN 65 GENERAL PROVISION NO. 3, THE SEPARATE STREAMS GENERAL
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OCTOBER 18, 1977.

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RULE 54(b) CERTIFICATE

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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on June 30, 2004, with sufficient first-class postage to the following:

ISLAND CAPITOL LLC

Represented by:

DANA L. HOFSTETTER

608 WEST FRANKLIN STREET

BOISE, ID 83702

Phone: 208-424-7800

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449

USDI BUREAU OF RECLAMATION

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ISLAND CAPITOL LLC

1409 E 1ST ST

MERIDIAN, ID 83642

ORDER

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Deputy Clerk