

FILED JUN 23 PM 2:59  
SRBA  
IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

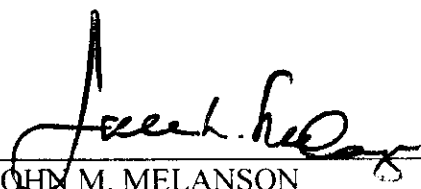
|                |   |                           |
|----------------|---|---------------------------|
| In Re SRBA     | ) | ORDER OF PARTIAL DECREE   |
|                | ) |                           |
| Case No. 39576 | ) | SUBCASES: 29-172 & 29-173 |
|                | ) |                           |
|                | ) |                           |
|                | ) |                           |
|                | ) |                           |

On May 21, 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 28, 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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 29-00172

2004 JUN 23 PM 2:59

FILED  
JUN 23 2004  
CLERK OF DISTRICT COURT  
TWIN FALLS, IDAHO

NAME AND ADDRESS: KATHY D ARCHIBALD  
THOMAS J ARCHIBALD  
10408 E THUNDER MTN RD  
PO BOX 338  
LAVA HOT SPRINGS, ID 83246

SOURCE: DEMPSEY CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 2.40 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED  
ABOVE AT THE POINT OF MEASUREMENT IN T10S, R38E, S04, NESWSW;  
WEST DEMPSEY DITCH HEADING.

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 29-173 AND 29-13527  
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/01/1981

POINT OF DIVERSION: T10S R38E S04 NESWSW Within Bannock County

WATER DIVERTED FROM DEMPSEY CREEK DELIVERED THROUGH WEST  
DEMPSEY CANAL.

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-15 TO 09-15 | 2.24 CFS |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS  
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,  
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE  
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS  
REMARK 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 Bannock County                            |
|---------------|-------------------|--------------------------------------------------|
|               | T09S R38E S33     | SWNW 37.0<br>SESW 15.0<br>NESW 23.0<br>NWSW 37.0 |
|               | 112.0 Acres Total |                                                  |

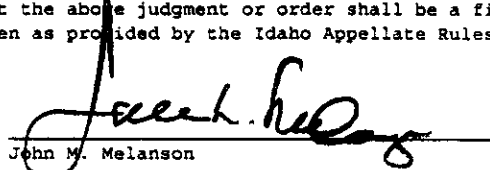
USE OF THIS RIGHT WITH RIGHT NOS. 29-173 AND 29-172 IS LIMITED  
TO THE IRRIGATION OF A COMBINED TOTAL OF 112.0 ACRES IN A SINGLE  
IRRIGATION SEASON.

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  
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 29-00173

2007 JUN 28 PM 2:59

FILED

NAME AND ADDRESS: KATHY D ARCHIBALD  
THOMAS J ARCHIBALD  
10408 E THUNDER MTN RD  
PO BOX 338  
LAVA HOT SPRINGS, ID 83246

SOURCE: DEMPSEY CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.80 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED  
ABOVE AT THE POINT OF MEASUREMENT IN T10S, R38E, S04, NESWSW;  
WEST DEMPSEY DITCH HEADING.

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 29-172 AND 29-13527  
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/01/1881

POINT OF DIVERSION: T10S R38E S04 NESWSW Within Bannock County

WATER DIVERTED FROM DEMPSEY CREEK DELIVERED THROUGH WEST  
DEMPSEY CANAL.

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------|
| Irrigation     | 04-15 TO 09-15 | 0.80 CFS |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS  
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,  
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE  
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS  
REMARK 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 Bannock County  
T09S R38E S33 SWNW 37.0 SENW 15.0  
NESW 23.0 NWSW 37.0  
112.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NOS. 29-172 AND 29-13527 IS  
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 112.0 ACRES IN  
A SINGLE IRRIGATION SEASON.

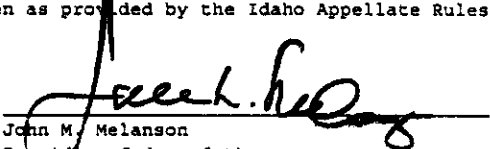
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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  
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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on June 28, 2004, with sufficient first-class postage to the following:

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

KATHY D ARCHIBALD  
THOMAS J ARCHIBALD  
10408 E THUNDER MTN RD  
PO BOX 338  
LAVA HOT SPRINGS, ID 83246  
Phone: 208-776-5339

  
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