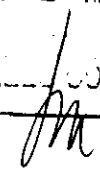


2004 JUN -2 AM 11: 42
FILED  SRBA
TWIN FALLS, IDAHO

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	)	For Water Right: 65-07061
	)	
_____	)	

On March 25, 2004, a *Special Master's Report and Recommendation* was filed for water right 65-07061. On April 7, 2004, an *Amended Special Master's Report and Recommendation* was filed for water right 65-07061. On April 22, 2004, a *Corrected Special Master's Recommendation* was also filed for water right 65-07061. No Challenges were filed to the *Amended Special Master's Report and Recommendation* or the *Corrected Special Master's 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 *Amended Special Master's Report and Recommendation* and the *Corrected Special Master's Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 65-07061 be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED June 2, 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 65-07061

2004 JUN -2 AM 11:42
TWIN FALLS CO., IDAHO
FILED
MM

NAME AND ADDRESS: VAN DEUSEN RANCH INC
PO BOX 68
EMMETT, ID 83617

SOURCE: SUCKER CREEK TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 3.00 CFS
450.00 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 01/19/1969

POINT OF DIVERSION: T08N R01W S16 SWNE Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Irrigation from Storage	04-01 TO 10-30	450.00 AFY
	Diversion to Storage	11-01 TO 01-31	1.00 CFS
	Diversion to Storage	02-01 TO 03-31	3.00 CFS
	Irrigation Storage	11-01 TO 03-30	450.00 AFY

PLACE OF USE: Irrigation Storage Within Gem County
Same as Irrigation from Storage

Irrigation from Storage		Within Gem County	
T07N R02W S02 LOT 1	(NENE) 17.0	LOT 2	(NWNE) 3.3
LOT 3	(NENW) 25.0		SWNW 20.0
	SENW 5.3		NWSW 4.0
T08N R01W S19	SWNE 1.3		SENE 8.4
	NESW 20.0	LOT 3	(NWSW) 7.0
LOT 4	(SWSW) 23.0		SESW 40.0
	NESE 15.0		NWSE 25.0
	SWSE 9.9		SESE 1.3
S30	NENW 24.0	LOT 1	(NWNW) 35.0
LOT 2	(SWNW) 38.0		SENW 16.0
	NESW 16.0	LOT 3	(NWSW) 38.0
LOT 4	(SWSW) 38.0		SESW 32.0
	SWSE 7.0		
S31	NWNE 28.0		SWNE 2.4
	SENE 19.0		NENW 6.3
LOT 1	(NWNW) 24.0		NESE 4.4
S32	SWNW 12.0		SENW 0.3
	NESW 28.0		NWSW 24.0
	SESW 5.6		NWSE 8.0
	SWSE 15.0		
R02W S25	NENE 1.2		SENE 19.0
	SESW 7.0		NESE 38.0
	NWSE 8.4		SWSE 36.0
	SESE 39.0		
S35	SWNE 2.4		SENE 27.0
	SESW 12.0		NESE 39.0
	NWSE 27.0		SWSE 29.0

PLACE OF USE (continued)

S36	SESE 39.0	
	NENE 39.0	NWNE 39.0
	SWNE 37.0	SENE 14.0
	NENW 33.0	NWNW 2.1
	SWNW 39.0	SENW 39.0
	NESW 30.0	NWSW 39.0
	SWSW 19.0	SESW 1.7
	NWSE 2.9	

1305.2 Acres Total

Stockwater	Within Gem County
Same as Irrigation from Storage	
Diversion to Storage	Within Gem County
Same as Irrigation from Storage	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 447 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1305.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02499, 65-02498, 65-12382, 65-02025, 65-02953, 65-02016.

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

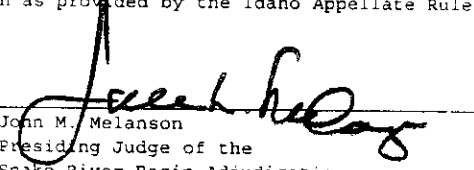
Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. 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 JUN 02 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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 65-07061

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 65-07061 was mailed
on June 02, 2004, with sufficient first-class postage prepaid
to the following:

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

IDAHO DEPARTMENT OF LANDS
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

UNITED STATES OF AMERICA
Represented by:
DAVID NEGRI
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
06/02/04

UNITED STATES OF AMERICA
Represented by:
DAVID W GEHLERT
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATRUAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DAVID LITTLE FARMS, INC
Represented by:
JOHN K. SIMPSON
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

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

VAN DEUSEN RANCH INC
PO BOX 68
EMMETT, ID 83617
Phone: 208-365-2220

JULIE MURPHY
Chief Deputy Clerk