

2004 JUN -2 PM 4: 28

FILED                      1F-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

)

SUBCASES: 65-03028, 65-03029,  
65-22532 & 65-22534

)

)

)

On April 7, 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 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 )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 65-03028

2004 JUN -2 PM 4: 28  
FILED  
TWIN FALLS CO., IDAHO  
SRBA

NAME AND ADDRESS: JOYCE A BIGGERS  
LESLIE W BIGGERS  
PO BOX 55  
OLA, ID 83657

SOURCE: SQUAW CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 1.06 CFS

THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE  
FIELD HEAD GATE.^^^

USE OF THIS RIGHT WITH RIGHT NO. 65-22533 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 1.06 CFS.

PRIORITY DATE: 04/01/1865

POINT OF DIVERSION: T10N R01E S13 NWSW Within Gem County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 11-01 | 1.06 CFS |

PLACE OF USE: Irrigation Within Gem County  
T10N R01E S26 SWNE 39.0 SENE 12.0  
51.0 Acres Total

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

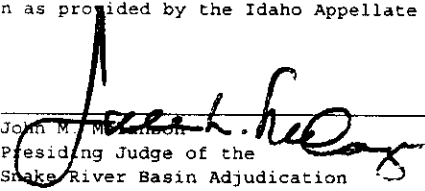
Basin 65 General Provisions No. 3, the Separate Streams  
General Provision, does not apply to appropriations of water  
after October 18, 1977.

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. McInerney  
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 65-03029

2001 JUN -2 PM 4:28  
TWIN FALLS CO., IDAHO  
FILED *M*

NAME AND ADDRESS: JOYCE A BIGGERS  
LESLIE W BIGGERS  
PO BOX 55  
OLA, ID 83657

SOURCE: SQUAW CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.40 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-22532 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF .40 CFS.

PRIORITY DATE: 04/01/1901

POINT OF DIVERSION: T10N R01E S12 NWSW Within Gem County

| PURPOSE AND    | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
| PERIOD OF USE: | Irrigation     | 04-01 TO 11-01 | 0.40 CFS |

PLACE OF USE: Irrigation Within Gem County  
T10N R01E S26 SENW 19.0  
19.0 Acres Total

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  
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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*  
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 65-22532

2004 JUN -2 PM 4:28  
FILED  
TWIN FALLS CO., IDAHO  
M

NAME AND ADDRESS: JOYCE A BIGGERS  
LESLIE W BIGGERS  
PO BOX 55  
OLA, ID 83657

SOURCE: SQUAW CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT 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.

USE OF THIS RIGHT WITH RIGHT NO. 65-3029 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF .40 CFS.

PRIORITY DATE: 04/01/1901

POINT OF DIVERSION: T10N R01E S12 NWSW Within Gem County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Gem County  
T10N R01E S26 SENW

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

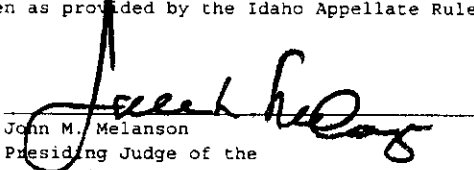
Basin 65 General Provisions No. 3, the Separate Streams  
General Provision, does not apply to appropriations of water  
after October 18, 1977.

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  
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John M. Melanson  
Presiding Judge of the  
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In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 65-22532

2004 JUN -2 PM 4:28  
TWIN FALLS CO., IDAHO  
FILED *mm*

NAME AND ADDRESS: JOYCE A BIGGERS  
LESLIE W BIGGERS  
PO BOX 55  
OLA, ID 83657

SOURCE: SQUAW CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT 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.

USE OF THIS RIGHT WITH RIGHT NO. 65-3029 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF .40 CFS.

PRIORITY DATE: 04/01/1901

POINT OF DIVERSION: T10N R01E S12 NWSW Within Gem County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Gem County  
T10N R01E S26 SENW

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

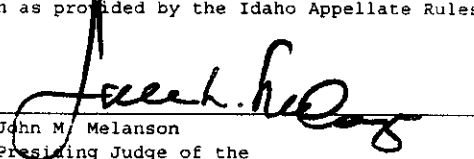
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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 65-22534

2004 JUN -2 PM 4:28

TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: JOYCE A BIGGERS  
LESLIE W BIGGERS  
PO BOX 55  
OLA, ID 83657

SOURCE: SQUAW CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT 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.

USE OF THIS RIGHT WITH RIGHT NO. 65-11169 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF .26 CFS.

PRIORITY DATE: 05/29/1927

POINT OF DIVERSION: T10N R01E S13 NENWSW Within Gem County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Gem County  
T10N R01E S26 SENW

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

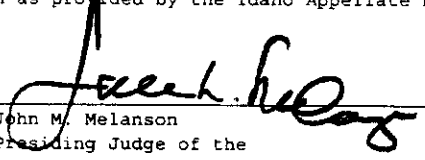
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\_\_\_\_\_  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on June 02, 2004, with sufficient first-class postage to the following:

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

JOYCE A BIGGERS  
LESLIE W BIGGERS  
PO BOX 55  
OLA, ID 83657  
Phone: 208-584-3334

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

  
Julie Murphy