

2004 MAY -4 PM 3: 53  
TWIN FALLS CO., IDAHO  
FILED *MM*

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: 65-00023, 65-02004,      |
|                | ) | 65-02080, 65-07832, 65-10491 and 65-12194 |
| _____          | ) |                                           |

On March 24, 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 be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 4, 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 65-00023

2004 MAY -4 PM 3:53  
TWIN FALLS CO. IDAHO  
FILED  
*[Signature]*

NAME AND ADDRESS: EMMETT IRRIGATION DISTRICT  
222 E PARK ST  
EMMETT, ID 83617

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 18.50 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 523.12 CFS.  
COMBINED RIGHT NOS.: 65-02080, 65-02004, 65-07832, AND 65-10491.

PRIORITY DATE: 11/26/1883

POINT OF DIVERSION: T07N R01W S22 LOT 6 (NESE ) Within Gem County  
LOT 1 (SENE )

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 03-15 TO 11-15 | 18.50 CFS |

PLACE OF USE:

PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 23,106.28 ACRES WITHIN THE  
BOUNDARIES OF THE EMMETT IRRIGATION DISTRICT IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02080, 65-02004,  
65-07832, 65-10491 and 65-12194.

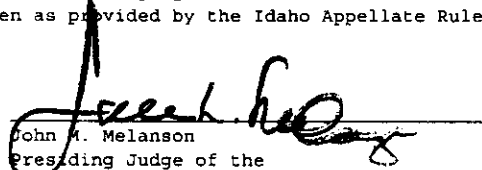
The boundary encompassing the place of use for this water right  
is described with a digital boundary as defined by I.C. Section  
42-202B(2)(2003) and authorized pursuant to I.C. Section 42-1411  
(2)(h)(2003). The data comprising the digital boundary are  
incorporated herein by reference and are stored on a cd-rom disk  
issued in duplicate originals on file with the SRBA District  
Court and the Idaho Department of Water Resources. A map  
depicting the place of use is attached hereto to illustrate the  
place of use described by the digital boundary.

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 )  
                  ) PARTIAL DECREE PURSUANT TO  
Case No. 39576 ) I.R.C.P. 54(b) FOR  
                  ) Water Right 65-02004

2004 MAY -4 PM 3:53  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED *M*

NAME AND ADDRESS: EMMETT IRRIGATION DISTRICT  
P O BOX 515  
EMMETT, ID 83617

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 169.39 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 523.12 CFS.  
COMBINED RIGHT NOS.: 65-00023, 65-02080, 65-07832, AND 65-10491.

PRIORITY DATE: 05/26/1903

POINT OF DIVERSION: T07N R01W S22 LOT 6 (NESE ) Within Gem County  
LOT 1 (SENE )

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY   |
|-------------------------------|----------------|----------------|------------|
|                               | Irrigation     | 03-15 TO 11-15 | 169.39 CFS |

PLACE OF USE:

PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED  
TO THE IRRIGATION OF A COMBINED TOTAL OF 23,106.28 ACRES WITHIN  
THE BOUNDARIES OF THE EMMETT IRRIGATION DISTRICT IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-00023, 65-02080,  
65-07832, 65-10491 and 65-12194.

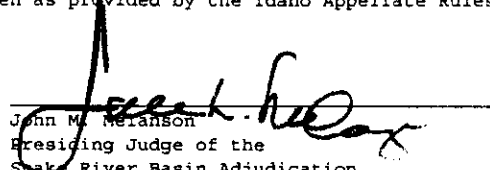
The boundary encompassing the place of use for this water right  
is described with a digital boundary as defined by I.C. Section  
42-202B(2)(2003) and authorized pursuant to I.C. Section 42-1411  
(2)(h)(2003). The data comprising the digital boundary are  
incorporated herein by reference and are stored on a cd-rom disk  
issued in duplicate originals on file with the SRBA District  
Court and the Idaho Department of Water Resources. A map  
depicting the place of use is attached hereto to illustrate the  
place of use described by the digital boundary.

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 )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 65-02080

2004 MAY -4 PM 3:53  
FILED  
TWIN FALLS CO., IDAHO  
M

NAME AND ADDRESS: EMMETT IRRIGATION DISTRICT  
P O BOX 515  
EMMETT, ID 83617

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 124.00 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 523.12 CFS.  
COMBINED RIGHT NOS.: 65-00023, 65-02004, 65-07832, AND 65-10491.

PRIORITY DATE: 07/29/1908

POINT OF DIVERSION: T07N R01W S22 LOT 6 (NESE ) Within Gem County  
LOT 1 (SENE )

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY   |
|-------------------------------|----------------|----------------|------------|
|                               | Irrigation     | 03-15 TO 11-15 | 124.00 CFS |

PLACE OF USE:

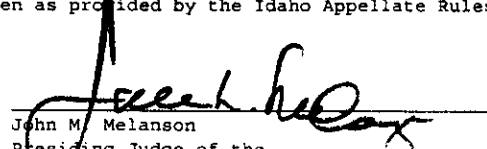
PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 23,106.28 ACRES WITHIN THE  
BOUNDARIES OF THE EMMETT IRRIGATION DISTRICT IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-00023, 65-02004,  
65-07832, 65-10491 and 65-12194.  
The boundary encompassing the place of use for this water right  
is described with a digital boundary as defined by I.C. Section  
42-202B(2)(2003) and authorized pursuant to I.C. Section 42-1411  
(2)(h)(2003). The data comprising the digital boundary are  
incorporated herein by reference and are stored on a cd-rom disk  
issued in duplicate originals on file with the SRBA District  
Court and the Idaho Department of Water Resources. A map  
depicting the place of use is attached hereto to illustrate the  
place of use described by the digital boundary.

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 )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 65-07832

2004 MAY -4 PM 3:53  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED *MA*

NAME AND ADDRESS: EMMETT IRRIGATION DISTRICT  
222 E PARK ST  
EMMETT, ID 83617

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 6.00 CFS  
1373.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 523.12 CFS.  
COMBINED RIGHT NOS.: 65-00023, 65-02004, 65-02080, AND 65-10491.

PRIORITY DATE: 04/02/1977

POINT OF DIVERSION: T07N R01W S22 LOT 1 (SENE ) Within Gem County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY                |
|-------------------------------|----------------|----------------|-------------------------|
|                               | Irrigation     | 03-15 TO 11-15 | 6.00 CFS<br>1373.00 AFY |

PLACE OF USE:

PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 23,106.28 ACRES WITHIN THE  
BOUNDARIES OF THE EMMETT IRRIGATION DISTRICT IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-00023, 65-02004,  
65-02080, 65-10491 and 65-12194.

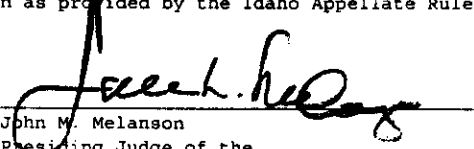
The boundary encompassing the place of use for this water right  
is described with a digital boundary as defined by I.C. Section  
42-202B(2) (2003) and authorized pursuant to I.C. Section 42-1411  
(2) (h) (2003). The data comprising the digital boundary are  
incorporated herein by reference and are stored on a cd-rom disk  
issued in duplicate originals on file with the SRBA District  
Court and the Idaho Department of Water Resources. A map  
depicting the place of use is attached hereto to illustrate the  
place of use described by the digital boundary.

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 65-10491

2004 MAY -4 PM 3:53  
FILED  
TWIN FALLS CO., IDAHO  
SRBA

NAME AND ADDRESS: EMMETT IRRIGATION DISTRICT  
P O BOX 515  
EMMETT, ID 83617

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 205.23 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 523.12 CFS.  
COMBINED RIGHT NOS.: 65-00023, 65-02004, 65-07832, AND 65-02080.

PRIORITY DATE: 04/01/1919

POINT OF DIVERSION: T07N R01E S22 LOT 1 (SENE ) Within Gem County  
R01W S22 LOT 6 (NESE )

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY   |
|-------------------------------|----------------|----------------|------------|
|                               | Irrigation     | 03-15 TO 11-15 | 205.23 CFS |

PLACE OF USE:

PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED  
TO THE IRRIGATION OF A COMBINED TOTAL OF 23,106.28 ACRES WITHIN  
THE BOUNDARIES OF THE EMMETT IRRIGATION DISTRICT IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-00023, 65-02004,  
65-02080, 65-07832 and 65-12194.

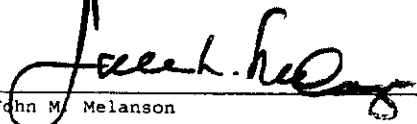
The boundary encompassing the place of use for this water right  
is described with a digital boundary as defined by I.C. Section  
42-202B(2)(2003) and authorized pursuant to I.C. Section 42-1411  
(2)(h)(2003). The data comprising the digital boundary are  
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 65-12194

2004 MAY -4 PM 3:  
FILED  
TWIN FALLS CO., IDA.

NAME AND ADDRESS: EMMETT IRRIGATION DISTRICT  
222 E PARK ST  
EMMETT, ID 83617

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.20 CFS  
583.10 AFY

USE OF THIS RIGHT WITH RIGHT LISTED BELOW SHALL PROVIDE NO MORE  
THAN .02 CFS NOR MORE THAN 4.5 AFA PER ACRE FOR IRRIGATION OF  
LANDS WITHIN THE EMMETT IRRIGATION BOUNDARY. COMBINED RIGHT  
NOS.: 65-00023, 65-02004, 65-02080, 65-07832, AND 65-10491.

PRIORITY DATE: 12/08/1978

POINT OF DIVERSION: T07N R01W S22 LOT 1 (SENE ) Within Gem County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 03-15 TO 11-15 | 1.20 CFS<br>583.10 AFY |

PLACE OF USE:

PLACE OF USE IS WITHIN LANDS OF THE EMMETT IRRIGATION DISTRICT.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 23,106.28 ACRES WITHIN THE  
BOUNDARIES OF THE EMMETT IRRIGATION DISTRICT IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-00023, 65-02004,  
65-02080, 65-07832 and 65-10491.

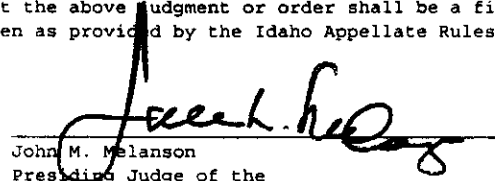
The boundary encompassing the place of use for this water right  
is described with a digital boundary as defined by I.C. Section  
42-202B(2) (2003) and authorized pursuant to I.C. Section 42-1411  
(2)(h) (2003). The data comprising the digital boundary are  
incorporated herein by reference and are stored on a cd-rom disk  
issued in duplicate originals on file with the SRBA District  
Court and the Idaho Department of Water Resources. A map  
depicting the place of use is attached hereto to illustrate the  
place of use described by the digital boundary.

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 May 04, 2004, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:

DAVID W GEHLERT  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATURAL RESOURCE  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

EMMETT IRRIGATION DISTRICT

Represented by:

SCOTT L. CAMPBELL  
101 S CAPITOL BLVD, 10TH FLOOR  
PO BOX 829  
BOISE, ID 83701-0829  
Phone: 208-345-2000

DIRECTOR OF IDWR

PO BOX 83720  
BOISE, ID 83720-0098

EMMETT IRRIGATION DISTRICT

222 E PARK ST  
EMMETT, ID 83617