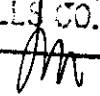


2004 MAY -4 PM 12:08  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED 

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

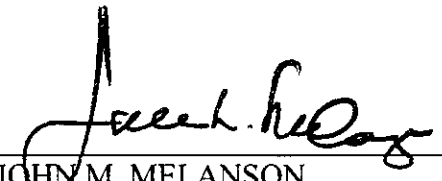
|                |   |                           |
|----------------|---|---------------------------|
| In Re SRBA     | ) | ORDER OF PARTIAL DECREE   |
|                | ) |                           |
| Case No. 39576 | ) | For Water Right: 33-00053 |
|                | ) |                           |
| _____          | ) |                           |

On March 29, 2004, a *Special Master's Report and Recommendation* was filed for water right 33-00053. 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 water right 33-00053 be **decreed** as set forth in the attached *Partial Decrees 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 33-00053

2004 MAY -4 PM 12:08  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED *AM*

NAME AND ADDRESS: SUNNY ANN HAWLEY  
VANCE L HAWLEY  
HC 65 BOX 1069  
HOWE, ID 83244

ESTATE OF L R & VANCE HAWLEY  
578 E 4900 S  
IDAHO FALLS, ID 83404

SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS

QUANTITY: 2.30 CFS

Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58,  
33-59, 33-60, 33-10995, 33-10996, 33-2101A and 33-2101B when  
combined shall not exceed a total diversion rate of 21.86 cfs.  
The total instantaneous diversion of water from all points of  
diversion under Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56,  
33-57, 33-58, 33-59, 33-60, 33-10995 and 33-10996 shall not  
exceed 13.60 cfs.

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION: T06N R28E S11 SESENW Within Butte County  
S14 NENENE  
S24 SWSENE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 11-01 | 2.30 CFS |

| PLACE OF USE:     | Irrigation | Within Butte County |
|-------------------|------------|---------------------|
| T06N R28E S13     | SWNW 30.0  | SENW 40.0           |
|                   | NESW 39.0  | NWSW 27.0           |
|                   | SWSW 39.0  | SESW 32.0           |
|                   | NWSE 40.0  | SWSE 30.0           |
|                   | SESE 36.0  |                     |
| S14               | SENE 38.0  | NESE 38.0           |
| S24               | NENE 34.0  | NWNE 23.0           |
|                   | SWNE 39.0  | SENE 26.0           |
|                   | NENW 39.0  | NWNW 34.3           |
|                   | SENW 28.0  | SESW 35.0           |
|                   | NESE 29.0  | NWSE 40.0           |
|                   | SWSE 40.0  | SESE 34.0           |
| S25               | NENE 32.0  | NWNE 40.0           |
| 862.3 Acres Total |            |                     |

Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58,  
33-59, 33-60, 33-2101A and 33-2101B when combined shall not  
exceed the irrigation of 650.9 acres.

Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58,  
33-59, 33-60, 33-10995, 33-10996, 33-2101A and 33-2101B when  
combined shall not exceed the irrigation of 862.3 acres.

This right is limited to the irrigation of 115 acres within the  
place of use described above in a single irrigation season.

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

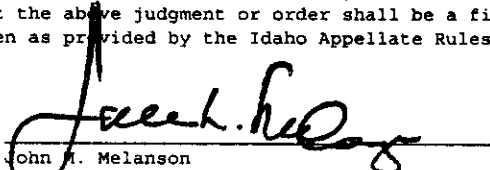
OTHER PROVISIONS (continued)

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within State Water District No. 33.

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 MAY 04 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): 33-00053

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 33-00053 was mailed  
on May 04, 2004, with sufficient first-class postage prepaid  
to the following:

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

ESTATE OF L R & VANCE HAWLEY  
SUNNY HAWLEY ET AL  
VANCE L HAWLEY  
Represented by:  
BLAIR J. GROVER  
215 FARNSWORTH WAY  
PO BOX 36  
RIGBY, ID 83442-0036  
Phone: 208-745-6653

SUNNY ANN HAWLEY  
HC 65 BOX 1069  
HOWE, ID 83244

JULIE MURPHY  
Chief Deputy Clerk

CERTIFICATE OF MAILING

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05/04/04