

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED  
2004 FEB 5 PM 4 42

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

ORDER OF PARTIAL DECREE

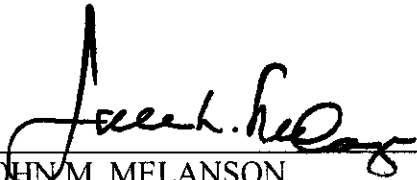
Water Right: 43-10116

On December 19, 2003, a *2nd Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *2nd 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 *2nd Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-02009 be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 5, 2004.

  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

FILED

2004 FEB 5 PM 4 42

In Re SRBA )  
Case No. 39576 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 43-10116

NAME AND ADDRESS: ROUND MOUNTAIN RANCH  
HC 72 BOX 2346  
MALTA, ID 83342

SOURCE: RICE CREEK TRIBUTARY: ROUND MOUNTAIN CREEK  
ROUND MOUNTAIN CREEK TRIBUTARY: CLEAR CREEK

QUANTITY: 5.16 CFS  
1032.00 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-10824,  
43-02061 43-02110 & 43-00286B IS LIMITED TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 1032 AF.

PRIORITY DATE: 04/01/1962

POINT OF DIVERSION: T16S R27E S13 NESE Within Cassia County  
NESESE  
S24 NESENE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation 04-01 TO 11-01 5.16 CFS  
1032.00 AFY

PLACE OF USE: Irrigation Within Cassia County  
T16S R27E S13 NENE 4.0 SWNE 7.0  
SENE 15.0 NESW 40.0  
NESE 29.0 NWSE 33.0  
SWSE 40.0 SESE 40.0  
S24 NENE 33.0 NWNE 4.0  
R28E S19 LOT 1 (NWNW)13.0  
258.0 Acres Total

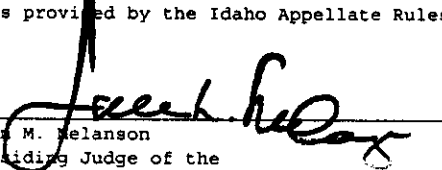
USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-00286B,  
43-10824, 43-02061, AND 43-02110 IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 258 ACRES IN A SINGLE IRRIGATION SEASON.

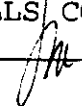
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

2004 FEB 05 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
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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): 43-10116

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 43-10116 was mailed  
on February 05, 2004, with sufficient first-class postage prepaid  
to the following:

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

HAROLD & BETH JONES  
Represented by:  
PATRICK D. BROWN  
HUTCHINSON & BROWN, LLP  
P O BOX 207  
TWIN FALLS, ID 83303-0207  
Phone: 208-733-9300

JEFF SESSIONS  
Represented by:  
ROGER D LING  
PO BOX 396  
RUPERT, ID 83350  
Phone: 208-436-4717

ROUND MOUNTAIN RANCH  
HC 72 BOX 2346  
MALTA, ID 83342

CERTIFICATE OF MAILING

JULIE MURPHY  
Chief Deputy Clerk

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02/05/04