

JAN - 7 2004

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS.CO., IDAHO
FILED DM

2003 DEC 31 PM 1 50

**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 43-02368

On November 14, 2003, a ***Special Master's Report and Recommendation*** was filed for the above water right. 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 43-02368 be **decreed** as set forth in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b)***.

DATED December 31, 2003.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

FILED

2003 DEC 31 PM 1 50

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-02368

NAME AND ADDRESS: HARRIS AG
BOX 1024
2655 E 1400 S
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 4.53 CFS
1440.00 AFY

USE OF THIS RIGHT WITH RIGHT NOS 43-11218, 43-10811,
43-10812, 43-4028A, 43-10490 IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 10,964 AF.

PRIORITY DATE: 10/17/1951

POINT OF DIVERSION:	T13S R27E S02	SESWSE	Within Cassia County
	S03	NESENW	
	S04	SWNWNE	
		SENESE	
	S09	SESENW	
		SESESE	
	S10	SESENE	
	S11	SESWSE	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.53 CFS 1440.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Cassia County
	T13S R27E S02	LOT 3 (NENW) 40.0
	LOT 4 (NWNW) 40.0	SWNW 40.0
		SENW 40.0
		NWSW 40.0
		SESW 40.0
		NWSE 40.0
		SWSE 40.0
	S03 LOT 1 (NENE) 40.0	LOT 2 (NWNE) 40.0
		SENE 40.0
	LOT 3 (NENW) 40.0	LOT 4 (NWNW) 40.0
		SENW 40.0
		NWSW 40.0
		SESW 40.0
		NWSE 40.0
		SESE 40.0
	S04 LOT 1 (NENE) 40.0	LOT 2 (NWNE) 40.0
		SENE 40.0
		NWSE 40.0
		SESE 40.0
	S09	NENE 40.0

PLACE OF USE (continued)

	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENE 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESE 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S10	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENE 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESE 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S11	NWNE 40.0	SWNE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENE 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESE 40.0
	NWSE 40.0	SWSE 40.0
3160.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 360 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2741 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS 43-11218, 43-10811, 43-10812, 43-2368, 43-4028A

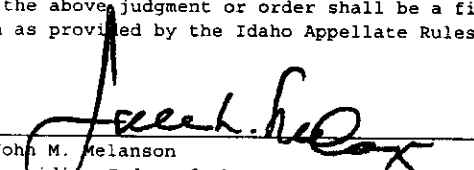
THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3160 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS 43-11218, 43-10811, 43-10812, 43-2368, 43-4028A, 43-10490

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

2003 DEC 31 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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
<u> </u>	)	Water Right(s): 43-02368

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 43-02368 was mailed
on December 31, 2003, with sufficient first-class postage prepaid
to the following:

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

HARRIS AG
Represented by:
RANDALL C BUDGE
PO BOX 1391
201 E CENTER, STE A2
POCATELLO, ID 83204-1391
Phone: 208-232-6101

JULIE MURPHY
Chief Deputy Clerk