

2003 MAY 22 AM 10 15

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     | ) | FINAL ORDER DISALLOWING WATER      |
|                | ) | RIGHT CLAIM 36-08068               |
|                | ) |                                    |
| Case No. 39576 | ) | ORDER OF PARTIAL DECREES FOR       |
|                | ) | WATER RIGHTS 36-08068B, 36-08068D, |
|                | ) | 36-08068E and 36-08068F            |
| _____          | ) |                                    |

On April 11, 2002, the Idaho Department of Water Resources (IDWR) filed a *Notice of Completed Administrative Proceeding* and an attached *Amended Director's Report* recommending that water right 36-08068 be split into water rights 36-08068B, 36-08068D, 36-08068E, and 36-08068F. The *Report* further recommended and that 36-08068B, 36-08068D, 36-08068E, and 36-08068F be decreed as recommended and that water right 36-08068 be decreed disallowed. No objections were filed to the recommendations and the time for filing objections has now expired.

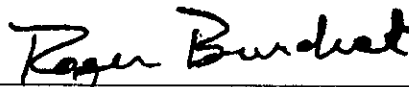
THEREFORE IT IS ORDERED AND ADJUDGED that water right claim 36-08068 is hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

IT IS FURTHER ORDERED AND ADJUDGED that water rights 36-08068B, 36-08068D, 36-08068E, and 36-08068F be decreed with the elements as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

### **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.

Dated May 22, 2003.

A handwritten signature in black ink, reading "Roger Burdick", written over a horizontal line.

ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the FINAL ORDER  
DISALLOWING WATER RIGHT CLAIM 36-08068 AND ORDER OF PARTIAL  
DECREE FOR RIGHTS 36-08068B, D, E AND F was mailed on April  
15, 2003, with sufficient first-class postage to the following:

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

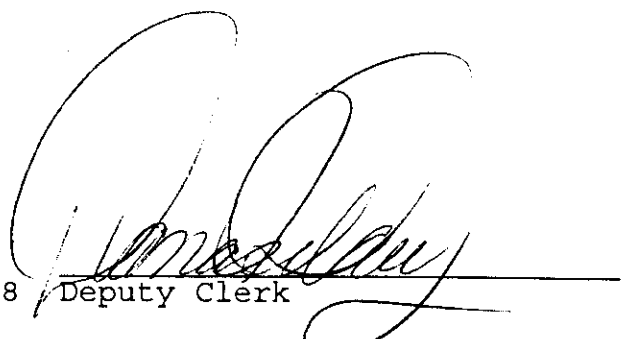
YOUNG & YOUNG  
S30 N 500 E  
RUPERT, ID 83350-9772  
Phone: 208-532-4487

YOUNG & YOUNG PARTNERSHIP  
300A E 1600 N  
RUPERT, ID 83350

ORDER

Page 1 5/22/03

FILE COPY FOR 00868 Deputy Clerk

A large, stylized handwritten signature in black ink, likely belonging to the Deputy Clerk, is written over a horizontal line. The signature is cursive and somewhat abstract, with a large loop at the top and a long, sweeping tail.

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 )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
\_\_\_\_\_) Water Right 36-08068E

2003 MAY 22 AM 10 16

NAME AND ADDRESS: YOUNG & YOUNG PARTNERSHIP  
300A E 1600 N  
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 2.17 CFS  
916.80 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-02075E IS LIMITED TO A  
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2336 AF.

USE OF RIGHT NOS. 36-02058B, 36-02058C, 36-02058D, 36-02075B,  
36-02075D, 36-02075E, 36-02075F, 36-02191, 36-02193, 36-02233D,  
36-02233B, 36-02410B, 36-02410C, 36-02410D, 36-02454B, 36-02530A,  
36-02591, 36-02619, 36-02620, 36-02653B, 36-02653N, 36-02653P,  
36-02530B, 36-02653Q, 36-04006, 36-07007B, 36-07021A, 36-07021C,  
36-07041, 36-07042, 36-07391, 36-07580B, 36-07580C, 36-07580D,  
36-07795A, 36-07795B, 36-08068B, 36-08068D, 36-08068E, 36-08068F,  
36-08069N, 36-08069P, 36-08069Q, 36-08251E, 36-08274A, 36-08274B,  
36-08275B, 36-08404, 36-08775, 36-08776, 36-08777, 36-08778,  
36-11290, 36-11340, 36-15366B, 36-15366C, 36-15366D, 36-15456A,  
36-15456B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE  
OF 119.01 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME  
OF 34,296.0 AF.

PRIORITY DATE: 03/04/1982

|                     |               |           |                        |
|---------------------|---------------|-----------|------------------------|
| POINT OF DIVERSION: | T06S R23E S26 | SWNENW    | Within Minidoka County |
|                     |               | SWNESW    |                        |
|                     | S32           | SWSWSE    | Within Lincoln County  |
|                     | S33           | NNWNNE    |                        |
|                     |               | NESESW    |                        |
|                     | R24E S31      | SWNENE    | Within Minidoka County |
|                     | LOT 07        | (SENESEW) |                        |
|                     | S32           | SESENE    |                        |
|                     |               | NNWNSW    |                        |
|                     | S33           | NESWNW    |                        |
|                     |               | SWSESW    |                        |
|                     | T07S R23E S01 | NENESW    |                        |
|                     | S03 LOT 03    | (NENENW)  |                        |
|                     | S11           | SESENW    |                        |
|                     |               | SENWSW    |                        |
|                     |               | NESWSE    |                        |
|                     | S12           | SWSENE    |                        |
|                     |               | NWSENW    |                        |
|                     |               | NWSESW    |                        |
|                     | S13           | NESWNE    |                        |
|                     |               | NESWNW    |                        |
|                     | S14           | NESWNE    |                        |
|                     |               | SENESEW   |                        |
|                     | S24           | NENENE    |                        |
|                     |               | NESWSW    |                        |
|                     | R24E S04      | NWNESE    |                        |
|                     | S06           | NENESE    |                        |
|                     | S07           | SWNWNE    |                        |
|                     | S11           | NWSWNW    |                        |
|                     | S16           | NENWSW    |                        |
|                     | S20           | SESWNE    |                        |
|                     | S21           | SWNWNW    |                        |

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

POINT OF DIVERSION (continued)

|                |                |                |            |
|----------------|----------------|----------------|------------|
| PURPOSE AND    |                |                |            |
| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY   |
|                | Irrigation     | 04-01 TO 10-31 | 2.17 CFS   |
|                |                |                | 916.80 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 Minidoka County |
|               | T06S R23E S26               | NENW 33.0 | NWNW 33.0              |
|               |                             | SWNW 33.0 | SESW 33.0              |
|               |                             | NESW 33.0 | NWSW 33.0              |
|               |                             | SWSW 33.0 | SESW 33.0              |
|               | S32                         | NESW 30.5 | NWSW 30.5              |
|               |                             | SWSW 30.5 | SESW 30.5              |
|               |                             | NESE 30.5 | NWSE 30.5              |
|               |                             | SWSE 30.5 | SESE 30.5              |
|               | S33                         | NENE 32.5 | NWNE 32.5              |
|               |                             | SWNE 32.5 | SENE 32.5              |
|               |                             | NENW 32.5 | NWNW 32.5              |
|               |                             | SWNW 32.5 | SESW 32.5              |
|               |                             | NESW 32.5 | NWSW 32.5              |
|               |                             | SWSW 32.5 | SESW 32.5              |
|               |                             | NESE 32.5 | NWSE 32.5              |
|               |                             | SWSE 32.5 | SESE 32.5              |
|               | S36                         | SESW 7.0  | SWSE 20.0              |
|               |                             | SESE 9.0  |                        |
|               | R24E S28                    | NWSW 33.0 | SWSW 38.0              |
|               |                             | SESW 39.0 |                        |
|               | S29                         | SESE 35.0 |                        |
|               | S30                         | SWSE 15.0 | SESE 30.0              |
|               | S31                         | NENE 39.0 | NWNE 40.0              |
|               |                             | SWNE 35.0 | SENE 29.0              |
|               | LOT 01 (NENW)               | 8.0       | LOT 05 (SWNW) 29.0     |
|               | LOT 06 (SESW)               | 15.0      | LOT 07 (NESW) 38.0     |
|               | LOT 08 (NWSW)               | 55.0      | LOT 10 (SWSW) 49.0     |
|               | LOT 12 (SESW)               | 34.0      | NESE 37.0              |
|               |                             | NWSE 40.0 | SWSE 37.0              |
|               |                             | SESE 29.0 |                        |
|               | S32                         | NENE 33.0 | NWNE 33.0              |
|               |                             | SWNE 39.0 | SENE 38.0              |
|               |                             | NENW 33.0 | NWNW 33.0              |
|               |                             | SWNW 38.0 | SESW 39.0              |
|               |                             | NESW 39.0 | NWSW 38.0              |
|               |                             | SWSW 33.0 | SESW 33.0              |
|               |                             | NESE 38.0 | NWSE 39.0              |
|               |                             | SWSE 33.0 | SESE 33.0              |
|               | S33                         | NENW 39.0 | NWNW 38.0              |
|               |                             | SWNW 39.0 | SESW 39.0              |
|               |                             | NESW 39.0 | NWSW 38.0              |
|               |                             | SWSW 20.0 | SESW 33.0              |
|               | T07S R23E S01 LOT 01 (NENE) | 18.0      | LOT 02 (NWNE) 18.0     |
|               |                             | SWNE 39.0 | SENE 39.0              |
|               | LOT 03 (NENW)               | 18.0      | LOT 04 (NWNW) 18.0     |
|               |                             | SWNW 39.0 | SESW 39.0              |
|               |                             | NESW 36.0 | NWSW 36.0              |
|               |                             | SWSW 33.0 | SESW 33.0              |

## PLACE OF USE (continued)

|                 |             |                    |
|-----------------|-------------|--------------------|
|                 | NESE 36.0   | NWSE 36.0          |
|                 | SWSE 33.0   | SESE 33.0          |
| S02 LOT 01      | (NENE) 18.0 | LOT 02 (NWNE) 18.0 |
|                 | SWNE 37.0   | SENE 37.0          |
| LOT 03          | (NENW) 18.0 | LOT 04 (NWNW) 18.0 |
|                 | SWNW 37.0   | SENW 37.0          |
|                 | NESW 27.0   | NWSW 27.0          |
|                 | SWSW 39.0   | SESW 39.0          |
|                 | NESE 31.0   | NWSE 22.0          |
|                 | SWSE 21.0   | SESE 36.0          |
| S03 LOT 01      | (NENE) 18.0 | LOT 02 (NWNE) 18.0 |
|                 | SWNE 37.0   | SENE 37.0          |
| LOT 03          | (NENW) 18.0 | LOT 04 (NWNW) 18.0 |
|                 | SWNW 37.0   | SENW 37.0          |
|                 | NESW 10.0   | NWSW 10.0          |
|                 | NESE 27.0   | NWSE 27.0          |
|                 | SWSE 39.0   | SESE 39.0          |
| S10             | NENE 9.0    | NWNE 9.0           |
| S11             | NENE 32.5   | NWNE 32.5          |
|                 | SWNE 32.5   | SENE 32.5          |
|                 | NENW 9.0    | NWNW 9.0           |
|                 | NESW 32.5   | NWSW 32.5          |
|                 | SWSW 32.5   | SESW 32.5          |
|                 | NESE 32.5   | NWSE 32.5          |
|                 | SWSE 32.5   | SESE 32.5          |
| S12             | NENE 33.0   | NWNE 33.0          |
|                 | SWNE 33.0   | SENE 33.0          |
|                 | NENW 33.0   | NWNW 33.0          |
|                 | SWNW 33.0   | SENW 33.0          |
|                 | NESW 33.0   | NWSW 33.0          |
|                 | SWSW 39.0   | SESW 39.0          |
|                 | NESE 33.0   | NWSE 33.0          |
|                 | SWSE 39.0   | SESE 33.0          |
| S13             | NENE 33.0   | NWNE 39.0          |
|                 | SWNE 33.0   | SENE 33.0          |
|                 | NENW 39.0   | NWNW 38.0          |
|                 | SWNW 33.0   | SENW 33.0          |
|                 | NESW 38.0   | NWSW 38.0          |
|                 | SWSW 33.0   | SESW 39.0          |
|                 | NESE 33.0   | NWSE 38.0          |
|                 | SWSE 38.0   | SESE 35.0          |
| S14             | NENE 32.5   | NWNE 15.0          |
|                 | SENE 32.5   | NESE 37.0          |
|                 | NWSE 33.0   | SWSE 14.0          |
|                 | SESE 25.0   |                    |
| S24             | NENE 36.0   | NWNE 17.0          |
|                 | SWNE 28.0   | SENE 17.0          |
|                 | NENW 15.0   | NWNW 1.0           |
|                 | SWNW 36.0   | SENW 36.0          |
|                 | NESW 39.0   | NWSW 32.0          |
|                 | SWSW 37.0   | SESW 37.0          |
|                 | NESE 36.0   | NWSE 39.0          |
|                 | SWSE 35.0   | SESE 32.0          |
| R24E S02 LOT 01 | (NENE) 9.0  | LOT 02 (NWNE) 9.0  |
|                 | SWNE 33.0   | SENE 33.0          |
| S04 LOT 01      | (NENE) 20.0 | LOT 02 (NWNE) 20.0 |
|                 | SWNE 39.0   | SENE 33.0          |
| LOT 03          | (NENW) 20.0 | LOT 04 (NWNW) 20.0 |
|                 | SWNW 33.0   | SENW 39.0          |
|                 | NESE 33.0   | NWSE 39.0          |
|                 | SWSE 33.0   | SESE 33.0          |
| S06 LOT 01      | (NENE) 18.0 | LOT 02 (NWNE) 18.0 |
|                 | SWNE 39.0   | SENE 39.0          |
|                 | NESE 36.0   | NWSE 36.0          |

PLACE OF USE (continued)

|                    |           |           |
|--------------------|-----------|-----------|
|                    | SWSE 33.0 | SESE 33.0 |
| S07                | NENE 33.0 | NWNE 33.0 |
|                    | SWNE 33.0 | SENE 33.0 |
|                    | NENW 33.0 | SENW 33.0 |
| S11                | NENW 33.0 | NWNW 33.0 |
|                    | SWNW 25.0 | SENW 39.0 |
|                    | NESW 39.0 | NWSW 33.0 |
|                    | SWSW 33.0 | SESW 33.0 |
| S16                | NENE 33.0 | NWNE 33.0 |
|                    | SWNE 39.0 | SENE 33.0 |
|                    | NENW 33.0 | NWNW 33.0 |
|                    | SWNW 33.0 | SENW 39.0 |
|                    | NESW 39.0 | NWSW 32.0 |
|                    | SWSW 32.0 | SESW 33.0 |
|                    | NESE 33.0 | NWSE 39.0 |
|                    | SWSE 33.0 | SESE 33.0 |
| S20                | NENE 33.0 | NWNE 38.0 |
|                    | SWNE 36.0 | SENE 33.0 |
|                    | NENW 38.0 | NWNW 33.0 |
|                    | SWNW 33.0 | SENW 38.0 |
|                    | NESW 29.0 | NWSW 8.0  |
|                    | NESE 39.0 | NWSE 39.0 |
|                    | SWSE 2.0  | SESE 5.0  |
| S21                | NENE 33.0 | NWNE 38.0 |
|                    | SWNE 39.0 | SENE 33.0 |
|                    | NENW 38.0 | NWNW 33.0 |
|                    | SWNW 33.0 | SENW 39.0 |
| 8574.0 Acres Total |           |           |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 584 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-02075E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 584 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF RIGHT NOS. 36-02058B, 36-02058C, 36-02058D, 36-02075B, 36-02075D, 36-02075E, 36-02075F, 36-02191, 36-02193, 36-02233D, 36-02233G, 36-02410B, 36-02410C, 36-02410D, 36-02454B, 36-02530A, 36-02530B, 36-02591, 36-02619, 36-02620, 36-02653B, 36-02653N, 36-02653P, 36-02653Q, 36-04006, 36-07007B, 36-07021A, 36-07021C, 36-07041, 36-07042, 36-07391, 36-07580B, 36-07580C, 36-07580D, 36-07795A, 36-07795B, 36-08068B, 36-08068D, 36-08068E, 36-08068F, 36-08069N, 36-08069P, 36-08069Q, 36-08251E, 36-08274A, 36-08274B, 36-08275B, 36-08404, 36-08775, 36-08776, 36-08777, 36-08778, 36-11290, 36-11340, 36-15366B, 36-15366C, 36-15366D, 36-15456A, 36-15456B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 8,574.0 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.



Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication