

2003 MAY 9 PM 2 25

**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

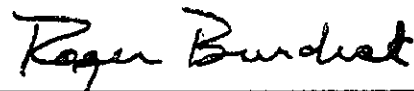
)
) **ORDER OF PARTIAL DECREE**
)
) **For Water Right 32-11219**
)

On March 7, 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 32-11219 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED May 9, 2003



ROGER S. BURDICK
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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

FILED

2003 MAY 9 PM 2 26

In Re SRBA)
)
Case No. 39576)
_____)

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

Water Right 32-11219

NAME AND ADDRESS: WAHOO & BHA INC
3930 E 2000 N
SUGAR CITY, ID 83448

SOURCE: INDIAN CREEK

TRIBUTARY: MEDICINE LODGE CREEK

QUANTITY: 4.50 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.82 CFS.
COMBINED RIGHT NOS.: 32-00014, 32-00015, 32-00016

PRIORITY DATE: 04/01/1987

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T12N R34E S36 LOT 3 (SESW) Within Clark County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
4.50 CFS

PLACE OF USE:

Irrigation
T11N R34E S12

Within Clark County

S13

NENE 34.0	NWNE 40.0
SWNE 40.0	SENE 34.0
NENW 32.0	SENW 36.0
NESW 34.0	SESW 38.0
NESE 32.0	NWSE 40.0
SWSE 39.0	SESE 32.0
NENE 40.0	NWNE 30.0
SWNE 25.0	SENE 40.0
SESW 11.0	NESE 40.0
NWSE 30.0	SWSE 40.0
SESE 40.0	

S24

NENW 34.0	SENW 29.0
NESW 12.0	

R35E S07

NENE 40.0	NWNE 39.0
SWNE 39.0	SENE 40.0
NENW 40.0	(NWNW) 37.0

LOT 2

(SNNW) 38.0	SENW 40.0
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LOT 4

(SWSW) 39.0	SESW 40.0
NESE 39.0	NWSE 39.0
SWSE 35.0	SESE 38.0

S18

NENW 40.0	LOT 1 (NWNW) 39.0
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LOT 2

(SNNW) 39.0	SENW 40.0
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LOT 4

(SWSW) 39.0	SESW 40.0
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S19

NESE 9.0	NWSE 39.0
SWSE 40.0	SESE 9.0
NENE 9.0	NWNE 40.0
SWNE 40.0	SENE 9.0

1935.0 Acres Total

PLACE OF USE (continued)

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 1935 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00014, 32-00015,
32-00016

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 32-00014, 32-00015, 32-00016 PURSUANT TO SECTION 42-1426,
IDAHO CODE.

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