

2002 NOV 4 AM 9 36

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

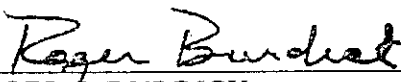
In Re SRBA)
) ORDER OF PARTIAL DECREE
Case No. 39576)
) For Water Right 31-02317B
)
_____)

On September 20, 2002, 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 31-02317B is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED November 4, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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 31-02317B

2002 NOV 4 AM 9 37

NAME AND ADDRESS: MUD LAKE WATER USERS INC
1400 E 1500 N
PO BOX 68
TERRETON, ID 83450

SOURCE: GROUND WATER

QUANTITY: 1.90 CFS
332.50 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 503.21 CFS FROM MAY 1 THROUGH NOV 1 AND A
TOTAL COMBINED DIVERSION RATE OF 643.21 CFS FROM MARCH 1 THROUGH
APRIL 30 WHEN AUTHORIZED BY AN EARLY PUMPING PLAN APPROVED BY
THE WATERMASTER. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329,
31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239,
31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B,
31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005,
31-11430, 31-11432.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 174,269.3 ACRE FEET. COMBINED RIGHT
NOS.: 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B,
31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297,
31-2310, 31-2317A, 31-2317B, 31-2341, 31-2342, 31-2343, 31-2344,
31-2345, 31-7005, 31-11430, 31-11432.

PRIORITY DATE: 10/27/1956

POINT OF DIVERSION:	T07N R34E S13	SWSWNE	Within Jefferson County
		SESE	
	S23	SENESE	
	S24	SWNESE	
		NENWNE	
		SWNNW	
	R35E S13	SWSWSW	
	S18 LOT 4	(SWSW)	
	S19 LOT 1	(NENWNW)	
	LOT 2	(NESWNW)	
		NESENE	
	LOT 1	(NWNW)	
	S22	SENESE	
	S23	SWNWSW	
		SWSW	
	S25	SWSWSW	
		SWSWSW	
		NWSWSW	
		NWSWSW	
		NWSWSW	
		NESESW	
		NESESW	
		SESESW	
		NESESW	
		NESESW	
		SENESE	
	S26	NESESE	
		NWSESE	
	S27	NWNE	

POINT OF DIVERSION (continued)

S36

NENW

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

Irrigation

PERIOD OF USE

05-01 TO 11-01

QUANTITY

1.90 CFS

332.50 AFY

PLACE OF USE:

PLACE OF USE WITHIN THE BOUNDARY OF MUD LAKE WATER USERS, INC.
TOTAL IRRIGATED ACRES 24261.3 AS DEPICTED IN THE ATTACHED MAP.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 3107.2 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 31-336B, 31-337B, 31-2289, 31-2290,
31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 95 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 24261.3 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330,
31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265,
31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321,
31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430,
31-11432, (GROUNDWATER), 31-2276, (WASTEWATER), 31-6, 31-34,
31-35, 31-36, 31-37, 31-38, 31-52, 31-65, 31-104, 31-105,
31-147A, 31-159, 31-162, 31-163, 31-166, 31-168, 31-169, 31-184,
31-185, 31-186, 31-187, 31-188, 31-232, 31-237, 31-263, 31-363,
(OWLSEY DIVISION SURFACE WATER), 31-134, 31-135, 31-143, 31-144,
31-190, 31-192, (JACKETT DIVISION SURFACE WATER), 31-344,
31-345, 31-354, 31-355, 31-360, 31-361, 31-10957, 31-10958,
31-10959, 31-10960, 31-10961, 31-10962 (HOLLEY DIVISION SURFACE
WATER).

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

THE ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE
AGREEMENT OF WATER RIGHT OWNERS REGARDING MUD LAKE WATER
DELIVERY DATED APRIL 17, 2001, WHICH IS ON FILE IN THE RECORDS
OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, IDAHO, INSTRUMENT
NUMBER 307626.

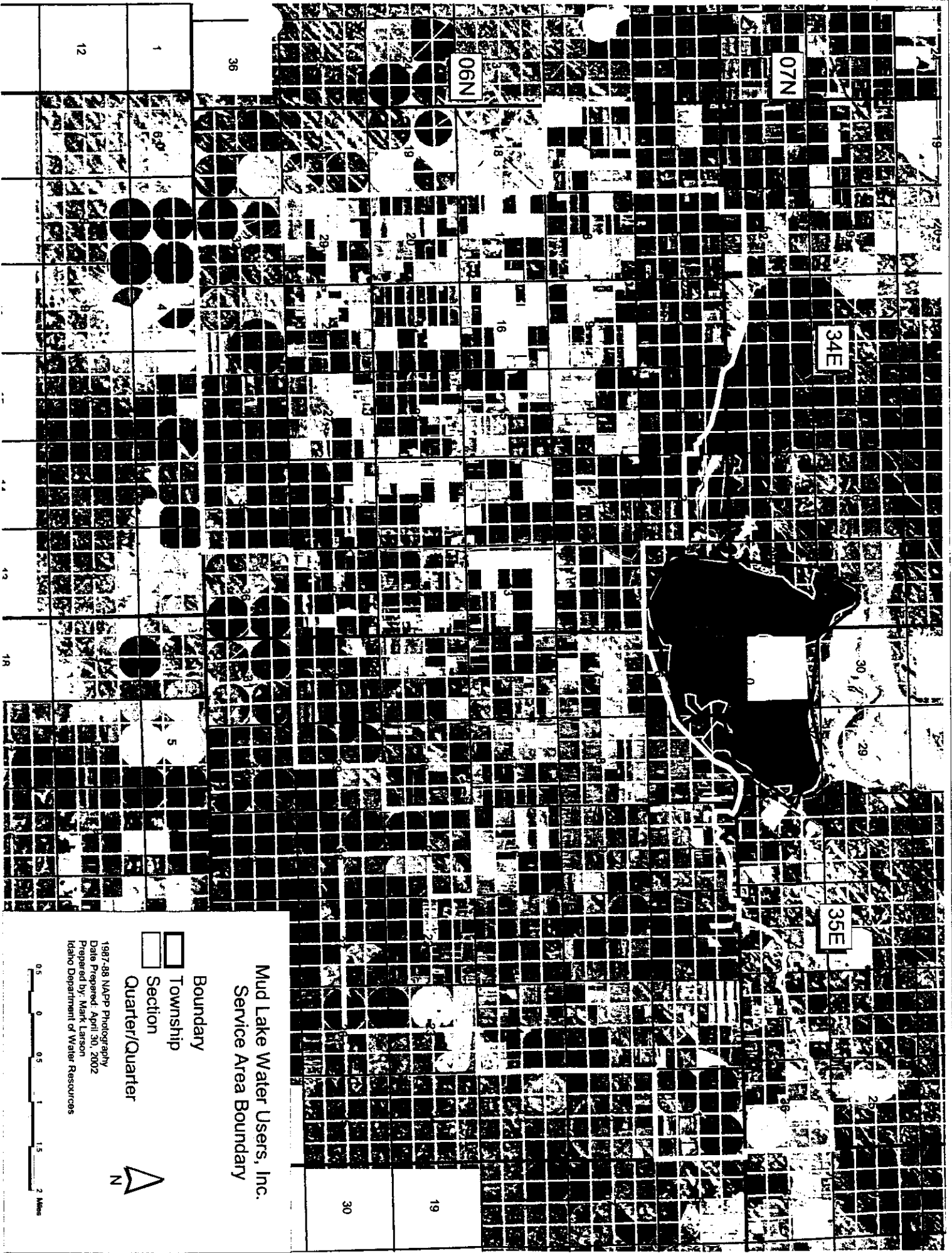
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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



06N

07N

34E

35E

19

30

36

12

1



Boundary
Township
Section
Quarter/Quarter



1987-88 NAIP Photography
Date Prepared: April 30, 2002
Prepared By: Mark Larson
Idaho Department of Water Resources



2002 NOV 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): 31-02317B

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 31-02317B was mailed
on November 04, 2002, with sufficient first-class postage prepaid
to the following:

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

MUD LAKE WATER USERS INC
Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

ROBBIN HALL
Chief Deputy Clerk

CERTIFICATE OF MAILING

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11/04/02