

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT                        |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| OCT 10 2002                           |              |
| By _____                              | Clerk        |
| _____                                 | Deputy Clerk |

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

|                       |   |                                 |
|-----------------------|---|---------------------------------|
| <b>In Re SRBA</b>     | ) |                                 |
|                       | ) | <b>ORDER OF PARTIAL DECREE</b>  |
| <b>Case No. 39576</b> | ) |                                 |
|                       | ) | <b>For Water Right 43-13071</b> |
| _____                 | ) |                                 |

On August 19, 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 43-13071 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED     October 10, 2002

  
 \_\_\_\_\_  
 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

Fifth Judicial District

County of Twin Falls - State of Idaho

OCT 10 2002

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

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

Water Right 43-13071

By \_\_\_\_\_

Clerk

Deputy Clerk

NAME AND ADDRESS: WEBB BROTHERS  
LAND & LIVESTOCK LLC  
22 N YALE RD  
DECLO, ID 83323

SOURCE: GROUND WATER

QUANTITY: 2.98 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 6.68 CFS AND TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 1335 AF. COMBINED RIGHT NOS.: 43-13071,  
43-13073, 43-13063, AND 43-10087.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 5.06 CFS. COMBINED RIGHT NOS: 43-13071 AND  
43-13073.

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN  
.02 CFS PER ACRE. COMBINED RIGHT NOS. 43-13071, 43-13073,  
43-13063, 43-10087, 43-2084, 43-2180, AND 43-2264.

USE OF THIS RIGHT WITH RIGHT NO. 43-13073 IS LIMITED TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 1012.0 AF.

PRIORITY DATE: 05/29/1952

POINT OF DIVERSION: T10S R27E S24 SESESW Within Cassia County  
R28E S19 LOT 3 (SNNWSW)

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
|                | Irrigation     | 03-15 TO 11-15 | 2.98 CFS |

| PLACE OF USE:  | Irrigation        | Within Cassia County |
|----------------|-------------------|----------------------|
| T10S R27E S23  | NESE 23.0         | SESE 38.0            |
| S24            | SWNE 30.0         | SENE 40.0            |
|                | SNNW 29.0         | SENE 23.0            |
|                | NESW 40.0         | NWSW 40.0            |
|                | SWSW 40.0         | SESW 40.0            |
|                | NESE 36.0         | NWSE 40.0            |
|                | SWSE 30.0         | SESE 23.0            |
| S25            | NENE 31.0         | NWNE 34.0            |
|                | SWNE 33.0         | SENE 32.0            |
|                | NENW 4.3          | NWNW 39.0            |
| S26            | NENE 35.0         |                      |
| R28E S19 LOT 2 | (SNNW) 10.0       | LOT 3 (NWSW) 33.0    |
| LOT 4          | (SWSW) 11.0       |                      |
|                | 734.3 Acres Total |                      |

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 253 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS. 43-13071, 43-13073

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 734.3 ACRES IN A SINGLE IRRIGATION  
SEASON. COMBINED RIGHT NOS. 43-13071, 43-13073, 43-13063,  
43-10087, 43-2084, 43-2180, AND 43-2264.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

OTHER PROVISIONS (continued)

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

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

OTHER PROVISIONS (continued)

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  
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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

2002 OCT 10 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 )  
\_\_\_\_\_ )

Water Right(s): 43-13071

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 43-13071 was mailed  
on October 10, 2002, with sufficient first-class postage prepaid  
to the following:

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

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

WEBB BROTHERS  
LAND & LIVESTOCK LLC  
22 N YALE RD  
DECLO, ID 83323  
Phone: 208-349-5740

ROBBIN HALL  
Chief Deputy Clerk

CERTIFICATE OF MAILING

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10/10/02