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Department of Water Resources

2002 AUG 28 PM 1:49
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	)	
	)	**ORDER OF PARTIAL DECREE**
Case No. 39576	)	
	)	**For Water Right 61-02199A and 61-02199B**
	)	

On June 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 61-02199A and 61-02199B is hereby **decreed** as set forth in the attached ***Partial Decree*** Pursuant to I.R.C.P. 54(b).

DATED August 27, 2002

Roger Burdick

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 61-02199A

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NAME AND ADDRESS: CHARTER MOUNTAIN RANCH INC
RT 1 BOX 451
GLENNS FERRY, ID 83623

SOURCE: GROUNDWATER

QUANTITY: 5.88 CFS

RIGHT NOS. 61-2095A, 61-2199A, 61-2209A, AND 61-11887A ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.34 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3203.6 AF.

RIGHT NOS. 61-2095A, 61-2199A AND 61-2209A ARE LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2392 AF.

PRIORITY DATE: 07/19/1966

POINT OF DIVERSION: T04S R09E S10 NESWNE NENWNW Within Elmore County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 11-01	5.88 CFS

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 NOVEMBER 1 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 Elmore County

T04S R09E	S03	NESW 3.7	SESW 21.0
		NESE 0.9	NWSE 3.7
		SWSE 16.8	SESE 22.0
	S08	SESE 2.5	
	S09	SWNE 22.0	SENE 41.0
		SWSW 25.0	SESW 40.0
		NESE 38.0	NWSE 40.0
		SWSE 41.0	SESE 28.0
	S10	NENE 7.4	NWNE 16.0
		SWNE 4.6	NENW 11.0
		NWNW 3.3	SWNW 29.0
		NESW 22.0	SWSW 18.6
		SESW 38.0	NWSE 28.0
		SWSE 11.0	
	S15	NENW 16.0	NWNW 23.8
		SWNW 10.6	
	S16	NENE 32.0	NWNE 18.0
		SWNE 6.9	SENE 28.0
		NENW 38.0	NWNW 40.0
		SWNW 5.9	SENW 4.8
		NESE 2.0	
	S17	NENE 36.0	NWNE 4.4

800.9 Acres Total

RIGHT NOS. 61-2095A, 61-2199A, 61-2209A AND 61-11887A ARE LIMITED TO THE IRRIGATION OF 800.9 ACRES WITHIN A PLACE OF USE

PLACE OF USE (continued)

DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
RIGHT NOS. 61-301A, 61-301B, 61-332, 61-333, 61-334, 61-335, 61-336, 61-337, 61-338, 61-339, 61-340, 61-343, 61-364, 61-2008 61-2095A, 61-2199A, 61-2209A, 61-10363, 61-11844, 61-11847, 61-11854 AND 61-11887A ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1368 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHT NOS. 61-2199A AND 61-2209A ARE LIMITED TO THE IRRIGATION OF 401 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
RIGHT NOS. 61-2095A, 61-2199A AND 61-2209A ARE LIMITED TO THE IRRIGATION OF 598 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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

2002 AUG 28 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): 61-02199A

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 61-02199A was mailed on August 28, 2002, with sufficient first-class postage prepaid to the following:

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

CHARTER MOUNTAIN RANCH INC
Represented by:
BRUCE M. SMITH
225 NORTH 9TH ST, STE 420
BOISE, ID 83702
Phone: 208-331-1800

ROBBIN GLATZ
Chief Deputy Clerk