

SEP 12 11:10
DISTRICT CLERK
TWIN FALLS, IDAHO

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 Rights 43-2567B, 43-2568, 43-2579,
43-7046, 43-7047, 43-7052 and 43-7088A

On July 31, 2002, a *Special Master's Report and Recommendation* was filed for the above water rights. 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 rights 43-2567B, 43-2568, 43-2579, 43-7046, 43-7047, 43-7052 and 43-7088A are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED 9/12/02



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 43-07052

SEP 12 AM 11:10

DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO
TWIN FALLS, IDAHO

NAME AND ADDRESS: WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS, ID 83211

SOURCE: GROUND WATER

QUANTITY: 5.37 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 20.06 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 7331 AF. COMBINED RIGHT NOS.: 43-02567B,
43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 18.74 CFS. COMBINED RIGHT NOS.: 43-02567B,
43-02568, 43-02579, 43-07046, 43-07047, & 43-07052.

PRIORITY DATE: 07/02/1973

POINT OF DIVERSION: T09S R28E S29 NESWSW Within Cassia County
SENWSE
S30 SWSESE
SWSESE
S31 LOT 2 (NESWNW)

TWO POINTS OF DIVERSION LOCATED IN T09S, R28E, S30, SWSESE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	5.37 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 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 Cassia County
	T09S R27E S25	SESE 15.0
	S36	NENE 15.0
	R28E S19	SESW 32.0
	S28	NWNW 37.0
		SESW 33.0
		SENW 34.0
		NWSW 33.0
		SWSE 31.0
	S29	NENE 40.0
		SWNE 40.0
		NENW 37.0
		SWNW 41.0
		NESW 41.0
		SWSW 41.0
		NESE 40.0
		SWSE 41.0
	S30	NENE 34.0
		SWNE 41.0
		NENW 41.0
		LOT 1 (NWNW) 45.0

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

PLACE OF USE (continued)

LOT 2	(SNNW) 45.0	SENW 40.0
	NESW 40.0	LOT 3 (NWSW) 46.0
LOT 4	(SWSW) 36.0	SESW 39.0
	NESE 41.0	NWSE 41.0
	SWSE 41.0	SESE 41.0
S31	NENE 29.0	NWNE 19.0
	NENW 12.0	LOT 1 (NWNW) 24.0
LOT 2	(SNNW) 12.0	
S32	NENE 4.3	NWNE 11.0
	NENW 17.0	NWNW 24.0
S33	NWNW 3.9	
1832.8 Acres Total		

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1832.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1583 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-02567B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1583 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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE FOR WATER RIGHTS IN BASIN 43 was mailed on September 12, 2002, with sufficient first-class postage to the following:

DOUGLAS C. WEBB
WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS, ID 83211
Phone: 208-349-5757

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