

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

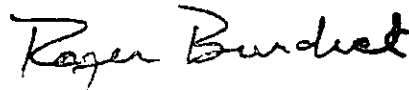
In Re SRBA )  
 )  
Case No. 39576 )  
 )  
\_\_\_\_\_ )  
ORDER OF PARTIAL DECREE  
For Water Right 35-02905

On November 30, 2001, 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.

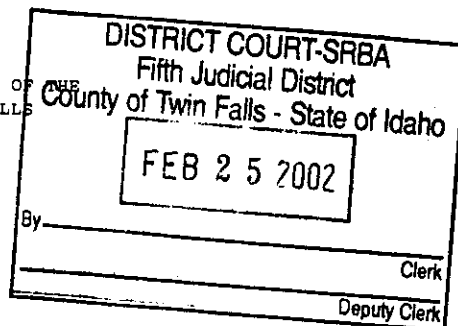
Therefore, IT IS ORDERED that water right 35-02905 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 25, 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



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

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

Water Right 35-02905

NAME AND ADDRESS: J C STEEL  
1615 W 49 N  
IDAHO FALLS, ID 83402

SOURCE: GROUNDWATER

QUANTITY: 4.30 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-07289 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 6.54 CFS.  
USE OF THIS RIGHT WITH RIGHT NO. 35-07289 IS LIMITED TO A  
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2776 AF.

PRIORITY DATE: 03/25/1958

POINT OF DIVERSION: T03N R36E S04 NENESE Within Bonneville County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 4.30 CFS |

| PLACE OF USE: | Irrigation                       | Within Bonneville County |
|---------------|----------------------------------|--------------------------|
|               | T03N R36E S03 LOT 02 (NWNE) 38.0 | SWNE 40.0                |
|               | LOT 03 (NENW) 36.0               | LOT 04 (NWNW) 37.0       |
|               | SWNW 40.0                        | SENE 40.0                |
|               | NESW 40.0                        | NWSW 40.0                |
|               | SWSW 40.0                        | SESW 40.0                |
|               | NWSE 39.0                        | SWSE 33.0                |
|               | S04 LOT 01 (NENE) 37.0           | LOT 02 (NWNE) 36.0       |
|               | SWNE 40.0                        | SENE 39.0                |
|               | NESE 40.0                        | NWSE 40.0                |
|               | SWSE 39.0                        | SESE 39.0                |
|               | 773.0 Acres Total                |                          |

USE OF THIS RIGHT WITH RIGHT NO. 35-07289 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 773 ACRES IN A SINGLE  
IRRIGATION SEASON.

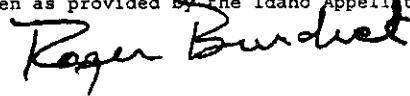
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 300 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.



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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

2002 FEB 25 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  
\_\_\_\_\_

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)  
)  
)  
CERTIFICATE OF MAILING

Water Right(s): 35-02905

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 35-02905 was mailed  
on February 25, 2002, with sufficient first-class postage prepaid  
to the following:

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

ABERDEEN-AMERICAN FALL GROUND  
ABERDEEN-AMERICAN FALLS GROUND  
BINGHAM GROUND WATER DIST.  
BINGHAM GROUND WATER DISTRICT  
J C STEEL  
UPPER VALLEY IRRIGATORS ASSOC  
UPPER VALLEY IRRIGATORS ASSOC.

Represented by:  
JEFFREY C. FEREDAY  
PO BOX 2720  
BOISE, ID 83701-2720  
Phone: 208-388-1200

FREMONT-MADISON IRR DIST  
Represented by:  
JERRY R. RIGBY  
PO BOX 250  
REXBURG, ID 83440-0250  
Phone: 208-356-3633

CERTIFICATE OF MAILING

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02/25/02

STATE OF IDAHO  
Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

DIANA DELANEY  
Chief Deputy Clerk