

2002 MAR -6 PM 2:12  
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

**ORDER OF PARTIAL DECREE**

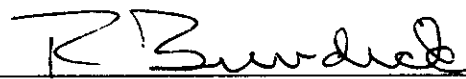
**For Water Right 31-00189**

On January 10, 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 31-00189 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 3-6-02

  
\_\_\_\_\_  
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 )  
Case No. 39576 )  
\_\_\_\_\_ )

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

Water Right 31-00189

2002 FEB -6 PM 2:12  
DISTRICT COURT-SRBA  
TWIN FALLS CO. IDAHO  
FILED

NAME AND ADDRESS: LEVEL CANAL CO INC  
C/O WILFRIED SCHMITT  
HC 63 BOX 2585  
MONTEVIEW, ID 83435

SOURCE: MUD LAKE TRIBUTARY: SINKS

QUANTITY: 5510.40 AFY

USE OF THIS RIGHT WITH RIGHT NO. 31-11335 IS LIMITED TO A  
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5510.4 AF.

PRIORITY DATE: 09/17/1912

POINT OF DIVERSION: T07N R34E S34 NWSWSW Within Jefferson County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY    |
|-------------------------------|-------------------------|----------------|-------------|
|                               | Irrigation Storage      | 01-01 TO 12-31 | 5510.40 AFY |
|                               | Irrigation from Storage | 04-01 TO 10-31 | 5510.40 AFY |

| PLACE OF USE: | Irrigation from Storage          | Within Jefferson County |
|---------------|----------------------------------|-------------------------|
|               | T06N R33E S01 LOT 01 (NENE) 40.0 | LOT 02 (NWNW) 40.0      |
|               | SWNE 40.0                        | SENE 40.0               |
|               | LOT 03 (NENW) 40.0               | LOT 04 (NWNW) 39.0      |
|               | SNNW 39.0                        | SENE 40.0               |
|               | NESW 40.0                        | NWSW 39.0               |
|               | SWSW 38.0                        | SESW 39.0               |
|               | S11 NENE 23.0                    | NWNE 2.0                |
|               | SENE 0.1                         |                         |
|               | S12 NENW 39.0                    | NWNW 39.0               |
|               | SNNW 25.0                        | SENE 40.0               |
|               | R34E S06 LOT 03 (NENW) 40.0      | LOT 04 (NWNW) 39.0      |
|               | LOT 05 (SNNW) 39.0               | SENE 40.0               |
|               | T07N R33E S36 NENE 40.0          | NWNE 40.0               |
|               | SWNE 40.0                        | SENE 40.0               |
|               | NENW 40.0                        | SENE 40.0               |
|               | NESW 40.0                        | NWSW 39.0               |
|               | SWSW 38.0                        | SESW 38.0               |
|               | NESE 40.0                        | NWSE 40.0               |
|               | SWSE 38.0                        | SESE 36.0               |
|               | R34E S31 NENW 40.0               | LOT 01 (NWNW) 39.0      |
|               | LOT 02 (SNNW) 39.0               | SENE 40.0               |
|               | NESW 40.0                        | LOT 03 (NWSW) 39.0      |
|               | LOT 04 (SWSW) 33.0               | SESW 37.0               |
|               | 1656.1 Acres Total               |                         |

USE OF THIS RIGHT WITH RIGHT NO. 31-5 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 1440 ACRES IN A SINGLE  
IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 1656.1 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-5, 31-11335.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1440 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

OTHER PROVISIONS (continued)

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

2002 MAR 06 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): 31-00189 |

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 31-00189 was mailed  
on March 06, 2002, with sufficient first-class postage prepaid  
to the following:

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

LEVEL CANAL CO INC  
C/O WILFRIED SCHMITT  
HC 63 BOX 2585  
MONTEVIEW, ID 83435  
Phone: 208-663-4679

  
ROBBIN GLATZ  
Chief Deputy Clerk