

2002 NOV 5 PM 3 15

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 Rights (See Exhibit A) |

On September 20, 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 rights listed on Exhibit A are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED November 5, 2002



\_\_\_\_\_  
ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

## EXHIBIT A

31-00006  
31-00034  
31-00035  
31-00036  
31-00037  
31-00038  
31-00052  
31-00065  
31-00104  
31-00105  
31-00134  
31-00135  
31-00143  
31-00144  
31-00147A  
31-00159  
31-00162  
31-00163  
31-00166  
31-00168  
31-00169  
31-00185  
31-00186  
31-00187  
31-00188  
31-00190  
31-00192  
31-00232  
31-00237  
31-00263  
31-00344  
31-00345  
31-00354  
31-00355  
31-00360  
31-00361  
31-00363  
31-02276  
31-10957  
31-10958  
31-10959  
31-10960  
31-10961  
31-10962

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  
TWIN FALLS CO., IDAHO  
FILED

2002 NOV 5 PM 3 15

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 31-00104

NAME AND ADDRESS: MUD LAKE WATER USERS INC  
1400 E 1500 N  
PO BOX 68  
TERRETON, ID 83450

SOURCE: MUD LAKE TRIBUTARY: SINKS

QUANTITY: 738.00 AFY

FOR THIS RIGHT, THE DIVERSION VOLUME DESCRIBED ABOVE WAS  
CALCULATED BY MULTIPLYING A DIVERSION RATE OF 3.0 CFS BY A  
FACTOR OF 2 ACRE FEET PER DAY FOR 123 DAYS (MAY 1ST TO SEPTEMBER  
1ST).

PRIORITY DATE: 10/18/1913

POINT OF DIVERSION: T06N R34E S01 NESWSW Within Jefferson County  
NESESW  
S02 NESWNW  
T07N R34E S34 NWSWSW

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY   |
|-------------------------------|-------------------------|----------------|------------|
|                               | Irrigation Storage      | 01-01 TO 12-31 | 738.00 AFY |
|                               | Irrigation from Storage | 04-01 TO 10-31 | 738.00 AFY |

PLACE OF USE:

PLACE OF USE WITHIN THE BOUNDARY OF THE OWSLEY DIVISION OF  
MUD LAKE WATER USERS, INC. TOTAL IRRIGATED ACRES 17818 AS  
DEPICTED IN THE ATTACHED MAP.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 24261.3 ACRES IN A SINGLE IRRIGATION  
SEASON. COMBINED RIGHT NOS.: 31-327, 31-328, 31-329, 31-330,  
31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265,  
31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321,  
31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430,  
31-11432, (GROUNDWATER), 31-2276, (WASTEWATER), 31-6, 31-34,  
31-35, 31-36, 31-37, 31-38, 31-52, 31-65, 31-104, 31-105,  
31-147A, 31-159, 31-162, 31-163, 31-166, 31-168, 31-169, 31-184,  
31-185, 31-186, 31-187, 31-188, 31-232, 31-237, 31-263, 31-363,  
(OWLSLEY DIVISION SURFACE WATER), 31-134, 31-135, 31-143, 31-144,  
13-190, 31-192, (JACKETT DIVISION SURFACE WATER), 31-344,  
31-345, 31-354, 31-355, 31-360, 31-361, 31-10957, 31-10958,  
31-10959, 31-10960, 31-10961, 31-10962 (HOLLEY DIVISION SURFACE  
WATER).

THIS RIGHT IS LIMITED TO THE IRRIGATION OF THE 160 ACRES  
WITHIN THE PLACE OF USE DESCRIBED ABOVE IN AS SINGLE IRRIGATION  
SEASON.

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

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

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

OTHER PROVISIONS (continued)

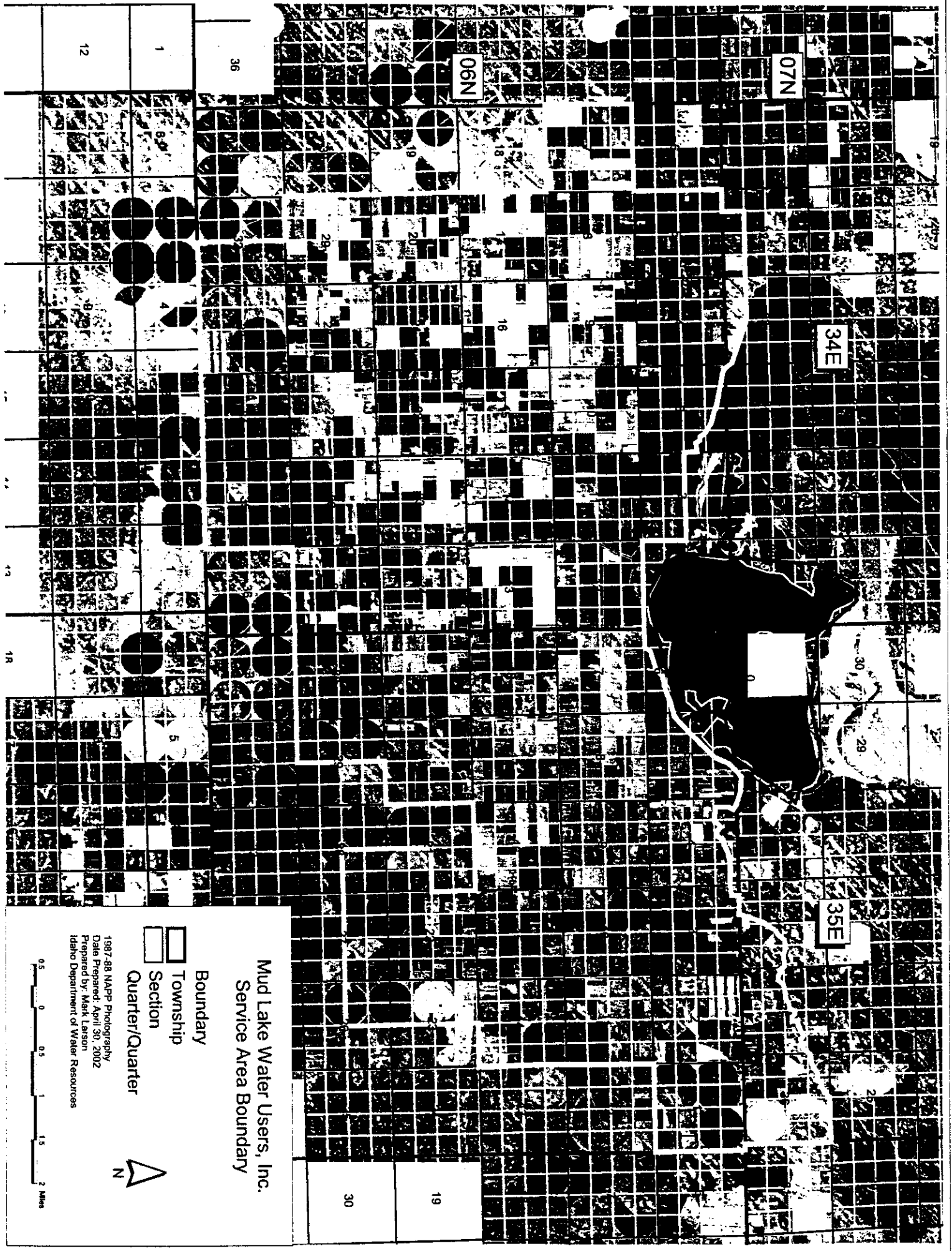
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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



Mud Lake Water Users, Inc.  
Service Area Boundary

- Boundary
- Section
- Quarter/Quarter

1987-88 NAPP Photography  
Date Prepared: April 30, 2002  
Prepared by: Mark Larson  
Idaho Department of Water Resources



**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on November 05, 2002, with sufficient first-class postage to the following:

MUD LAKE WATER USERS INC

Represented by:

KENT W FOSTER

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098