

RECEIVED

JUL 30 2004

DEPARTMENT OF
WATER RESOURCES

JUL 29 AM 8:53

TWIN FALLS CO., IDAHO
JUL 29 2004
JUL 29 2004

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 AMENDED
) PARTIAL DECREES
)
) For Water Right: 35-07000B,
) 35-07368B, 35-07493
)
)
)

On March 30, 2001, Brenda K. Stolworthy filed a *Motion to File Late Notice of Claim* in subcase 35-13305. The *Motion* was granted, and the matter was referred to Special Master Terrence A. Dolan on May 17, 2001. After several hearings and a *Motion to Alter or Amend* were held and filed in that subcase, the Special Master issued an *Amended Special Master's Report and Amended Recommendation* on June 8, 2004, recommending water right 35-13305 be decreed and recommending amending the *Partial Decrees* filed in the above water rights to include a combined use limitation so as to allow the 35-13305 water right. No Challenges were filed to the *Amended Special Master's Report* and the time for Challenges has expired. This Court has reviewed the findings of fact and conclusions of law contained in the *Amended Special Master's Report and Amended Recommendation* and adopts them wholly as its own.

THEREFORE, IT IS ORDERED that the *Partial Decrees* for the above water rights be set aside and *Amended Partial Decrees* be decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decree* is replaced and superseded thereby.

DATED July 28, 2004.
29


JOHN M. MELANSON
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

AMENDED

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-07493

2004 JUL 29 AM 8:53
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *jm*

NAME AND ADDRESS: BRENDA STOLWORTHY
DAVID STOLWORTHY
1230 N 375 E
SHELLEY, ID 83274

SOURCE: GROUNDWATER

QUANTITY: 4.24 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 9.62 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 2092 AF. COMBINED RIGHT NOS.:
35-7000B, 35-7368B, 35-7493 AND 35-13305.

PRIORITY DATE: 03/24/1975

POINT OF DIVERSION: T01N R36E S34 NWSENE Within Bingham County
NENWNW
NWSSEW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	4.24 CFS

PLACE OF USE:	Irrigation		Within Bingham County
	T01N R36E S27	NESW 4.0	NWSW 4.0
		SWSW 36.0	SESW 40.0
		NWSE 3.0	SWSE 37.0
	S33	NENE 1.0	SENE 1.0
	S34	NENE 27.0	NWNE 39.0
		SWNE 35.0	SENE 33.0
		NENW 40.0	NWNW 37.0
		SWNW 32.0	SENW 36.0
		NESW 34.0	NWSW 24.0
		SWSW 28.0	SESW 32.0
	523.0 Acres Total		

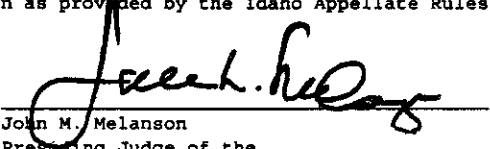
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 523 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-7000B, 35-7368B,
35-7493 AND 35-13305

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.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE was mailed on July 29, 2004, with sufficient first-class postage to the following:

ABERDEEN-AMERICAN FALL GROUND
ABERDEEN-AMERICAN FALLS GROUND
BINGHAM GROUND WATER DISTRICT
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

STATE OF IDAHO

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

BRENDA STOLWORTHY

DAVID STOLWORTHY

Represented by:
TERESA L. STURM
PO BOX 51219
428 PARK AVENUE
IDAHO FALLS, ID 83405-1219
Phone: 208-523-4445

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

Emily Murphy