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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 22 2009

By

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

Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

)
) ORDER OF AMENDED PARTIAL
) DECREE
)
)

) For water right: 35-2314
)

On February 25, 2002, this Court issued a *Partial Decree* for the above-captioned right. On March 22, 2007, the claimants filed a *Motion to Set Aside Partial Decree*. This Court referred the matter to Special Master Dolan for further proceedings on the *Motion*.

On July 1, 2009, a *Special Master's Report and Recommendation* was issued for the above-captioned 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 Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the *Partial Decree* for the above-captioned water right be **set aside** and **amended** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED

October 22, 2009

JOHN M. MELANSON

Presiding Judge

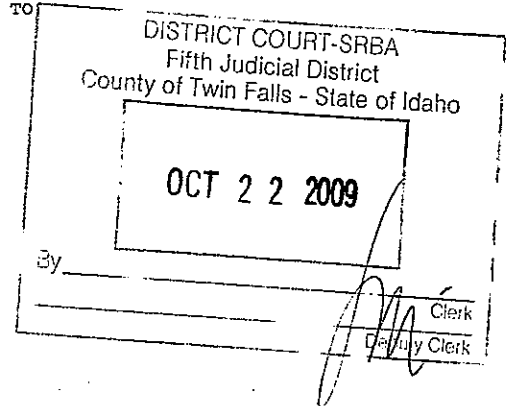
Snake River Basin Adjudication

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 35-02314



NAME AND ADDRESS: DE LOY Z WARD
NEAL D WARD
SHELLY WARD
VIOLA J WARD
1305 S 2 E
REXBURG, ID 83440

SOURCE: GROUNDWATER

QUANTITY: 6.56 CFS
1640.00 AFY

Right Nos. 35-2314, 35-2441, 35-13601 and 35-13639 are limited to
a total combined diversion rate of 10.5 cfs and to a total
combined annual diversion volume of 2656 AF.

PRIORITY DATE: 03/26/1953

POINT OF DIVERSION: T01S R34E S26 NBSWNW Within Bingham County
S35 SWSWNE
SWNW

The following rights are also diverted through point(s) of
diversion described above: 35-2441, 35-13601 and 35-13639.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	6.56 CFS 1640.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
T01S R34E S26	SWNE 3.0 SWNW 40.0 NESW 38.0 SWSW 39.0 NWSE 6.0	NWNW 40.0 SENW 34.0 NWSW 40.0 SESW 20.0
S34	NENE 40.0 NESE 18.0	SENE 20.0 SESE 4.0
S35	NWNE 12.0 NENW 36.0 SWNW 37.0 NESW 40.0 SWSW 25.0 NWSE 20.0	SWNE 22.0 NWNW 40.0 SENW 40.0 NWSW 40.0 SESW 10.0
664.0 Acres Total		

The rights listed below are limited to the irrigation of a
combined total of 664 acres in a single irrigation season.
Combined Right Nos.: 35-2314, 35-2441, 35-13601 and 35-13639.
This right is limited to the irrigation of 410 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

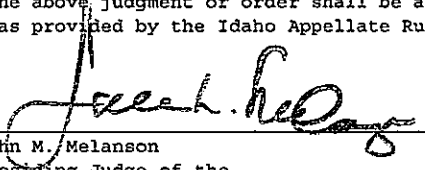
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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 October 22, 2009, with sufficient first-class postage to the following:

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