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OCT 23 2009

DEPARTMENT OF
WATER RESOURCES

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

OCT 22 2009

By

Clerk
Deputy Clerk

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
) DECREE
)
)

) For water right: 35-13601
)

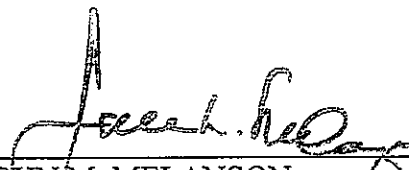
On April 18, 2008, this Court issued a *Partial Decree* for the above-captioned right. On April 9, 2009, the claimants made an oral *Motion to Set Aside Partial Decree*, during a status conference before Special Master Dolan.

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

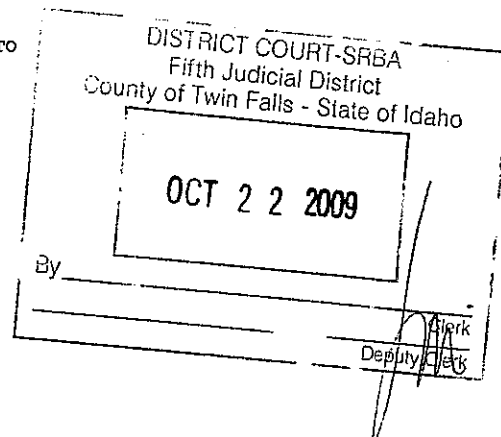
Presiding Judge

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 35-13601



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

SOURCE: GROUND WATER

QUANTITY: 0.40 CFS
92.00 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: 04/01/1984

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.40 CFS 92.00 AFY

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

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

This right is based upon an enlargement of Right Nos. 35-2314 and 35-2441 pursuant to Section 42-1426, Idaho Code.

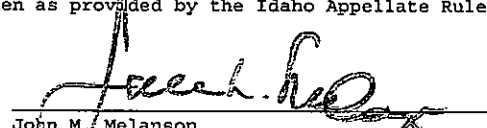
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

DE LOY Z WARD
NEAL D WARD
SHELLY WARD
VIOLA J WARD

Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

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

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.