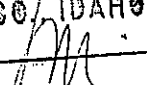


RECEIVED

OCT 27 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO
FILED 

2009 OCT 26 AM 8 37

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

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Water Right: 63-33216

(Wagner)

ORDER OF PARTIAL DECREE

On December 19, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 63, Part III, Reporting Area 13, for Irrigation and Other Water Rights*, which included recommendation for water right 63-03278. No objections were filed and the time period for filing objections has expired.

On July 9, 2009, the Idaho Department of Water Resources filed a *Notice of Completed Administrative and Amended Director's Report* notifying the Court that water right 63-03278 had been split into water rights 63-33216 and 63-33217. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

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

DATED

October 26, 2009


JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)

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

Water Right 63-33216

2009 OCT 26 AM 8 38

NAME AND ADDRESS: ANNE WAGNER
MICHAEL E WAGNER
25838 N MIDDLETON RD
MIDDLETON, ID 83644

SOURCE: UNNAMED STREAM TRIBUTARY: WILLOW CREEK

QUANTITY: 0.01 CFS
1.80 AFY

The rights listed below are limited to a total combined diversion rate of 7.52 cfs and to a total combined annual diversion volume of 1692 AF. Combined Right Nos.: 63-33216, 63-33217, 63-33218, 63-33219, 63-33220, 63-33221, 63-33222, 63-33223.

PRIORITY DATE: 04/05/1962

POINT OF DIVERSION: T05N R02W S35 NWNWNW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.01 CFS
			1.80 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: Irrigation Within Canyon County
T05N R02W S35 NENW 0.4
0.4 Acres Total

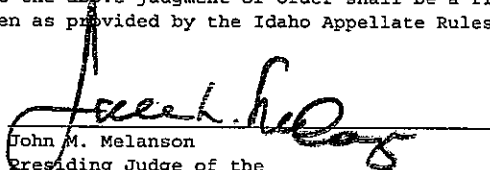
The rights listed below are limited to the irrigation of a combined total of 376 acres in a single irrigation season. Combined Right Nos.: 63-33216, 63-33217, 63-33218, 63-33219, 63-33220, 63-33221, 63-33222, 63-33223.

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

2009 OCT 26 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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-33216

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 63-33216 was mailed
on October 26, 2009, with sufficient first-class postage prepaid
to the following:

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

ANNE WAGNER
MICHAEL E WAGNER
25838 N MIDDLETON RD
MIDDLETON, ID 83644

JULIE MURPHY
Chief Deputy Clerk