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DEC 15 2009

DEPARTMENT OF
WATER RESOURCES

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

DEC 14 2009

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

)
) Subcase Nos.: 75-00027D & 75-00027F
)

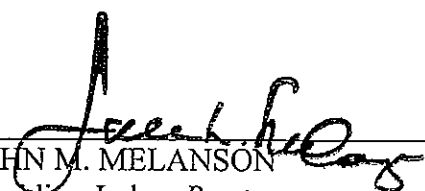
) ORDER SETTING ASIDE AND
) AMENDING PARTIAL DECREES
)
)

On November 17, 2008, *Partial Decrees* were issued for the above-captioned rights. Thereafter objections were filed. The matter was referred to the Special Master for further proceedings. On November 6, 2009, the Special Master issued a *Special Master's Report and Recommendation* recommending that the *Partial Decrees* be set aside and *Amended Partial Decrees* be issued. 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 above-captioned water rights are hereby amended as set forth in the attached *Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decrees* are replaced and superseded thereby.

DATED: December 14, 2009.


JOHN M. MELANSON
Presiding Judge, *Pro tem*
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

In Re SRBA)
)
Case No. 39576)
_____)

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-00027D

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

DEC 14 2009

By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: RANDY M CAPPS
87 CORBETT LN
SALMON, ID 83467

SOURCE: WILLIAMS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 2.34 CFS

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION: T20N R21E S11 LOT 1 (NENE) Within Lemhi County
S12 NESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.34 CFS

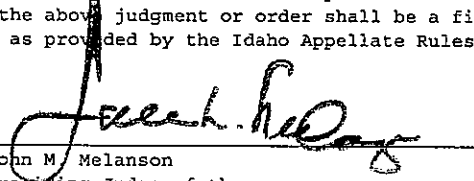
PLACE OF USE:	Irrigation	Within Lemhi County
	T20N R21E S01 SWSE 13.0	SESE 37.0
	R22E S06 LOT 8 (SWSW)29.0	SESW 38.0
	117.0 Acres Total	

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

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 75-00027F

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

DEC 14 2009

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: KEVIN A RICE
TAMARA RICE
127 CORBETT LN
SALMON, ID 83467-5073

SOURCE: WILLIAMS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 2.56 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION: T20N R21E S11 LOT 1 (NENE) Within Lemhi County
S12 NESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.56 CFS
	Stockwater	04-01 TO 12-15	0.07 CFS

PLACE OF USE: Irrigation Within Lemhi County

T20N R21E S12	NENE 37.0	NWNE 25.0
R22E S07 LOT 5	(NENW) 39.0	LOT 1 (NWNW) 27.0
128.0 Acres Total		

Stockwater Within Lemhi County

Same as Irrigation

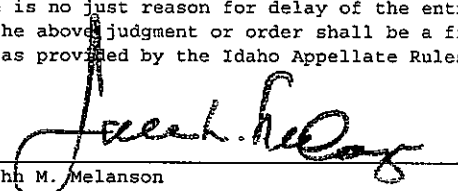
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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
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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 SETTING
ASIDE AND AMENDING PARTIAL DECREES was mailed on December 14,
2009, with sufficient first-class postage to the following:

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

KEVIN A RICE
TAMARA RICE
127 CORBETT LN
SALMON, ID 83467-5073
Phone: 208-756-2669

RANDY M CAPPS
87 CORBETT LN
SALMON, ID 83467
Phone: 208-756-2997