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DEPARTMENT OF
WATER RESOURCES

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

FEB 26 2014

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

) Water Right Nos.: 45-00310C & 45-02508

)

) ORDER OF PARTIAL DECREES, *NUNC*

) *PRO TUNC* TO MAY 6, 2005

)

)

)

)

On September 7, 2004, the Idaho Department of Water Resources filed its *Director's Report for Basin 45, Irrigation & Other Claims, Part 1*, which included the Director's recommendations for the above-captioned water right claims. No objections were filed to the recommendations and the time period for filing such objections has expired. On May 6, 2005, *Partial Decrees* were entered for the above-captioned uncontested water right claims. However, while the ROA records indicate that *Partial Decrees* for the above-captioned water rights were entered on that date, copies of those *Partial Decrees* cannot be located.

Therefore, IT IS ORDERED that water right claims 45-00310C and 45-02508 be **decreed *nunc pro tunc*** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b), Nunc Pro Tunc, May 6, 2005*.

Dated February 26, 2014

ERIC J. WILDMAN

Presiding Judge

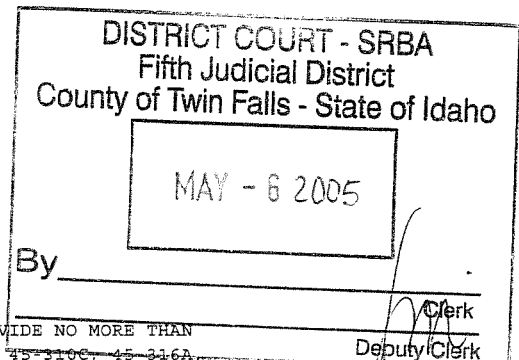
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-00310C

NUNG PRO TUNG

NAME AND ADDRESS: V THOMAS GEARY
964 S 950 E
ALBION, ID 83311
SOURCE: MARSH CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 2.40 CFS



WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN
.02 CFS PER ACRE. COMBINED RIGHT NOS 45-237, 45-310C, 45-316A,
45-2704 AND 45-12841.

PRIORITY DATE: 04/01/1876

POINT OF DIVERSION: T12S R24E S14 NWNENE Within Cassia County
NWSWNE
SESENW
NENESW

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PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.40 CFS

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

PLACE OF USE:	Irrigation	Within Cassia County
T12S R24E S11	SENE 3.4 NWSE 0.6 SESE 40.0	NESE 24.0 SWSE 13.0
S14	NENE 40.0	NWNE 38.0
159.0 Acres Total		

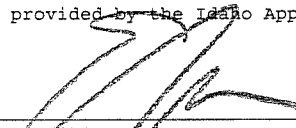
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 159 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-237, 45-310C, 45-316A, 45-2704 AND 45-12841.

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

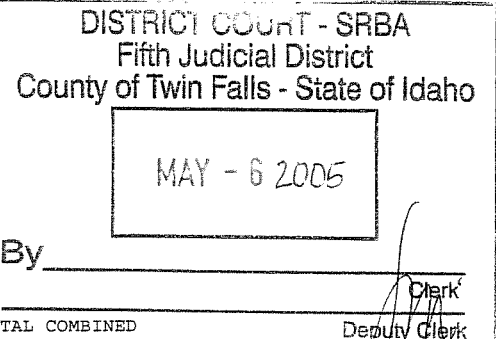
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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.


Eric J. Wildman
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

NUNG PRO TUNG

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-02508



NAME AND ADDRESS: MARK T NEWCOMB
251 E 200 S
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 2.02 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 2184 AF. COMBINED RIGHT NOS.:
45-2389, 45-2508, 45-13629, and 45-12441.

PRIORITY DATE: 11/04/1955

POINT OF DIVERSION: T10S R24E S12 SENWNE Within Cassia County
R25E S07 NWSWNE
S08 NESENW
NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.02 CFS 983.90 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T10S R24E S12	NENE 40.0 NWNE 22.0 SWNE 15.0 SENE 35.0
	R25E S07	NENE 40.0 NWNE 40.0 SWNE 34.0 SENE 35.0
	LOT 2	NENW 40.0 (NWNW) 33.0 (SWNW) 28.0 SENE 34.0
	S08	NENW 40.0 NWNW 40.0 SWNW 35.0 SENE 35.0
	546.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 249 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 546 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-2389, 45-2508, 45-13629 and 45-12441.

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

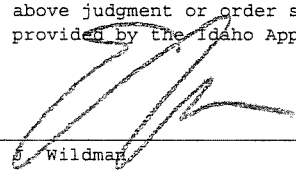
This partial decree is subject to such general provisions
necessary for the definition of the rights or for the efficient
administration of the water rights as may be ultimately
determined by the Court at a point in time no later than the
entry of a final unified decree. Section 42-1412(6), Idaho
Code.

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).

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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.



Eric S. Wildman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF
PARTIAL DECREES NUNC PRO TUNC TO MAY 6, 2005 was mailed on February
26, 2014, with sufficient first-class postage to the following:

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

MARK T NEWCOMB
251 E 200 S
RUPERT, ID 83350
Phone: 208-436-5679

V THOMAS GEARY
964 S 950 E
ALBION, ID 83311
Phone: 208-673-6373

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".