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JUN 05 2013

DEPARTMENT OF
WATER RESOURCES

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

JUN - 4 2013

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

) Subcase No. 22-13457

)

Case No. 39576

) ORDER SETTING ASIDE PARTIAL

) DECREE

)

) ORDER OF AMENDED PARTIAL

) DECREE

)

A *Partial Decree* was issued for the above-captioned water right on November 24, 2008. On December 31, 2012, the Claimant, Richard F. Smith, filed a *Motion to Set Aside Partial Decree* in the above-captioned subcase. On December 31, 2012, the Court entered an *Order* referring the matter to the Special Master. On April 12, 2013, the Special Master issued a *Special Master's Report and Recommendation*, recommending that the *Motion to Set Aside* be granted, and that an *Amended Partial Decree* be issued with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decrees*. No challenges were filed to the *Special Master's Report and Recommendation*, and the time for filing challenges has 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* previously entered for the above-captioned water right is **hereby set aside**.

IT IS FURTHER ORDERED that the above-captioned water right be **decreed** with the elements set forth in the attached *Amended Partial Decrees Pursuant to I.R.C.P.*

54(b).

Dated June 4, 2013

ERIC J. WILDMAN

Presiding Judge

Snake River Basin Adjudication

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DEPARTMENT OF
WATER RESOURCESIN 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 22-13457

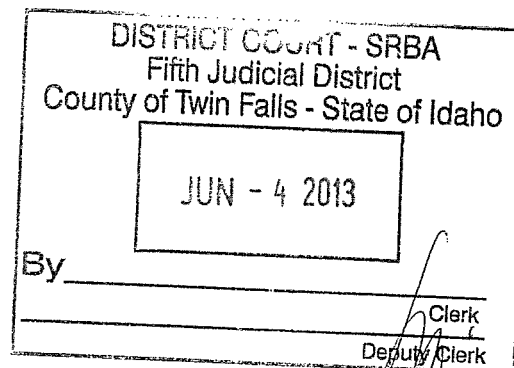
NAME AND ADDRESS:

RICHARD F SMITH
PO BOX 8
REXBURG, ID 83440JOHN H SMITH
PO BOX 805
REXBURG, ID 83440

SOURCE:

GROUND WATER

QUANTITY:

5.87 CFS
2074.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE:

12/29/1982

POINT OF DIVERSION:

T05N R41E S07 LOT 4 (SWSW) Within Madison County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IrrigationPERIOD OF USE
04-01 TO 10-31QUANTITY
5.87 CFS
2074.00 AFY

PLACE OF USE:

Irrigation

Within Madison County

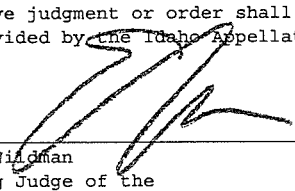
T05N R40E S12	NESE 36.0	NWSE 35.0
	SWSE 40.0	SESE 40.0
S13	NENE 7.7	
R41E S07	NESW 35.0	LOT 3 (NWSW) 33.0
LOT 4	(SWSW) 39.0	SESW 40.0
	NESE 35.0	NWSE 31.0
	SWSE 30.0	SESE 38.0
S18	NENW 39.0	LOT 1 (NWNW) 39.0
LOT 2	(SNNW) 37.0	SENW 38.0
592.7 Acres Total		

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.



Eric J. Windman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE PARTIAL DECREE / ORDER OF AMENDED PARTIAL DECREE was mailed
on June 04, 2013, with sufficient first-class postage to the
following:

JOHN H SMITH
RICHARD F SMITH
Represented by:
JERRY R RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

DIRECTOR OF IDWR
PO BOX 83720
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Julie Murphy