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JAN 30 2013

DEPARTMENT OF
WATER RESOURCES

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

JAN 29 2013

By _____

Clerk

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

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ORDER OF PARTIAL DECREE

Subcase No. 29-07391

The above-captioned water right claim was based on a permit prior to the issuance of the license. The recommendation in the *Director's Report* included the following condition:

This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which the right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.

In order to avoid any potential inconsistencies between the *Partial Decree* and a subsequently issued license, the practice of the Court has been to temporarily withhold the issuance of the *Partial Decree* until after the license is issued. On December 14, 2012, an *Amended Director's Report* and *Notice of Completed Administrative Proceeding* were filed for the above-captioned water right claim following the issuance of the license by the Director of the Idaho Department of Water Resources. No objections to the *Amended Director's Report* were filed, and the time for filing objections has now expired. Therefore, the above-captioned claim will be decreed consistent with the elements set forth in the *Amended Director's Report*.

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 January 29, 2013.



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 29-07391

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

JAN 29 2013

By

Clerk

Deputy Clerk

NAME AND ADDRESS: ERMA M BANKS
3229 BANKS RD
BANCROFT, ID 83217

SOURCE: UNNAMED DRAIN TRIBUTARY: PORTNEUF RIVER

QUANTITY: 2.90 CFS

Rights 29-10 and 29-7391 when combined shall not exceed a total diversion rate of 3.81 cfs and the irrigation of 190.4 acres. 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: 05/05/1977

POINT OF DIVERSION: T06S R39E S19 SESW Within Caribou County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.90 CFS

PLACE OF USE:	Irrigation	Within Caribou County
	T06S R38E S24 LOT 1 (NENE) 4.0	LOT 2 (SENE) 14.0
	R39E S19 SWNE 22.0	NENW 6.8
	LOT 1 (NWNW) 6.8	LOT 2 (SWNW) 40.0
	SENE 40.0	NESW 28.0
	LOT 3 (NWSW) 16.0	SESW 11.0
	SWSE 1.8	
	190.4 Acres Total	

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

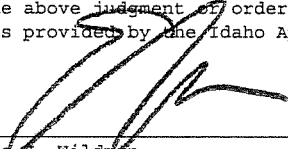
The right holder shall maintain a measuring device of a type acceptable to the Department, in the drain constructed between May 20, 1971 and December 1, 1982. This drain is the source of water for this right.

Diversion of water pursuant to this right shall not exceed the amount of water measured in the source drain.

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 U. Wildman
Presiding Judge of the
Snake River Basin Adjudication

2013 JAN 29 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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s): 29-07391

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 29-07391 was mailed
on January 29, 2013, with sufficient first-class postage prepaid
to the following:

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

ERMA M BANKS
3229 BANKS RD
BANCROFT, ID 83217
Phone: 208-648-7856

JULIE MURPHY
Chief Deputy Clerk