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JAN 17 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
JAN 12 2012
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 Nos: See Attached List**
	)	
Case No. 39576	)	**ORDER OF AMENDED PARTIAL**
	)	**DECREES**
	)	

Pursuant to this Court's *Order Granting State of Idaho's Second Amended Motion to Include Subordination Language on Water Rights Affected by the Swan Falls Settlement,* issued in subcase no. 00-91013 contemporaneously herewith, the contents of which are incorporated herein by reference, the *Partial Decrees* previously entered for the above-captioned water rights shall be amended to add the following language to the "Other Provisions" section of the respective *Partial Decrees*:

> This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gaging station meet or exceed the minimum stream flows established by state action.

Therefore, IT IS ORDERED that the *Partial Decrees* previously issued for 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to I.R.C.P. 54(b).* The previously issued *Partial Decrees* for the above-captioned water rights are replaced and superseded thereby.

DATED: January 12, 2012.

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

Appendix B Water Rights Claimed in the SRBA
WR Number
2-7235A
2-7235B
2-7235C
2-7315A
2-7315C
2-7315D
25-7325
31-7238
31-7239
31-7242
31-7166B
31-7166C
31-7166D
31-7166E
31-7557A
31-7557B
32-7264
34-7250
35-7884
35-7954E
35-7954F
36-8124
36-8140
36-8231
36-8232
36-8047B
[redacted]
37-7812
37-7944
37-8079
37-8091
37-8137
37-8165
45-7455
47-7439
47-7730
47-16781
47-7435B
51-7279
57-7266
61-7516
61-7387A

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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 36-08124

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
JAN 12 2012
By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: LARRY R & BERVA DAWN NESBIT
RT 4 BOX 268
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.16 CFS
28.20 AFY

PRIORITY DATE: 09/30/1982

POINT OF DIVERSION: T09S R25E S05 LOT 1 (NENENE) Within Minidoka County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	0.14 CFS
		28.00 AFY
Stockwater	01-01 TO 12-31	0.02 CFS
		0.20 AFY

PLACE OF USE:

Irrigation — Within Minidoka County
T09S R25E S05 LOT 1 (NENE) 7.0
7.0 Acres Total

Stockwater — Within Minidoka County
T09S R25E S05 LOT 1 (NENE)

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

This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gaging station meet or exceed the minimum stream flows established by state action.

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