

RECEIVED

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

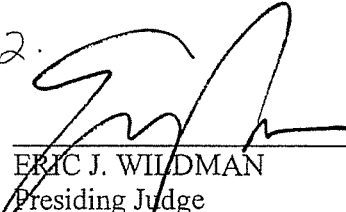
In Re SRBA) Subcase Nos: See Attached List
Case No. 39576)
ORDER OF AMENDED PARTIAL
DECREEES)
_____)

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 The previously issued *Partial Decrees* for the above-captioned water rights are replaced and superseded thereby.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
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
61-7327A

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 35-07954F

NAME AND ADDRESS: DANIEL BEHREND
1780 S 2800 W
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 1.03 CFS
392.40 AFY

PRIORITY DATE: 02/24/1981

POINT OF DIVERSION: T05S R29E S25 WNWENE Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.03 CFS 392.40 AFY

PLACE OF USE:	Irrigation	Within Power County
	T05S R30E S19 S30	SWNE 5.0 NWNE 6.0 NENW 35.0 SENW 33.0
	98.1 Acres Total	

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

