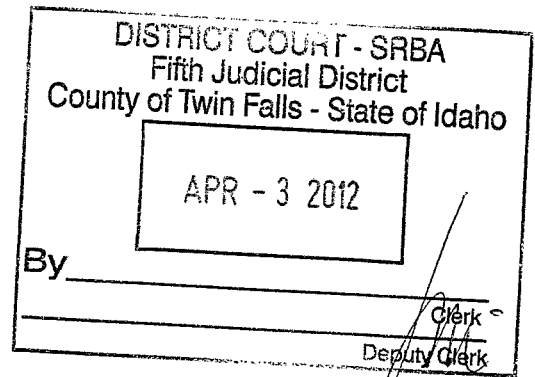


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APR 04 2012

DEPARTMENT OF  
WATER RESOURCES



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

)

ORDER OF PARTIAL DECREE

Case No. 39576

)

Subcase No. 27-12013

)

(Gardner)

)

On February 7, 2012, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now 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 above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED April 3, 2012

  
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 27-12013

|                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>DISTRICT COURT - SRBA</b><br><b>Fifth Judicial District</b><br><b>County of Twin Falls - State of Idaho</b><br><br><b>APR - 3 2012</b><br><br>By _____<br><br>Clerk<br>Deputy Clerk |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

NAME AND ADDRESS: BONNIE P GARDNER  
LEON J GARDNER  
469 E 400 N  
BLACKFOOT, ID 83221

SOURCE: SAND CREEK TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.40 CFS

The appropriator is entitled to the quantity of water described  
herein at the point of measurement in T2S, R37E, S7, NWNW Lot 1.

PRIORITY DATE: 03/04/1909

POINT OF DIVERSION: T02S R36E S14 NWNENE Within Bingham County  
NWNENE  
SEWNENE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.40 CFS |

| PLACE OF USE: | Irrigation       | Within Bingham County  |
|---------------|------------------|------------------------|
|               | T02S R36E S14    | NENE 9.6<br>SWNE 11.0  |
|               | 60.6 Acres Total | NWNE 22.0<br>SEWN 18.0 |

This right is limited to the irrigation of 20 acres within the  
place of use described above in a single irrigation season.  
The rights listed below are limited to the irrigation of a  
combined total of 60.6 acres in a single irrigation season.  
Combined Right Nos.: 27-10028 and 27-12013

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. Midman  
Presiding Judge of the  
Snake River Basin Adjudication

2012 APR 03 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): 27-12013 |

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 27-12013 was mailed  
on April 03, 2012, with sufficient first-class postage prepaid  
to the following:

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

BONNIE P GARDNER  
LEON J GARDNER  
469 E 400 N  
BLACKFOOT, ID 83221  
Phone: 208-785-2040

JULIE MURPHY  
Chief Deputy Clerk