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DEC 30 2011
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

Case No. 39576

)
) Subcase No. 22-11537
) (Miller)
) By _____
)
) ORDER SETTING ASIDE AND
) AMENDING PARTIAL DECREE
)

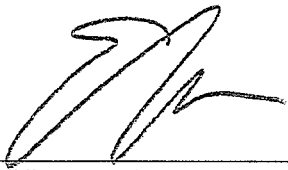
DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
DEC 29 2011
Clerk
Deputy Clerk

On November 24, 2008, a **Partial Decree** was issued for the above-captioned right. On January 31, 2011, a *Motion to Set Aside Partial Decree* was filed by Don L. Miller. The matter was referred to the Special Master for further proceedings. On November 10, 2011, the Special Master issued a **Special Master's Report and Recommendation** recommending that the **Partial Decree** be set aside and an **Amended Partial Decree** be issued. 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 **Partial Decree** for the above-captioned water right is hereby set aside and amended as set forth in the attached **Amended Partial Decree Pursuant to I.R.C.P. 54(b)**. The previously issued **Partial Decree** is replaced and superseded thereby.

DATED: December 29, 2011.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

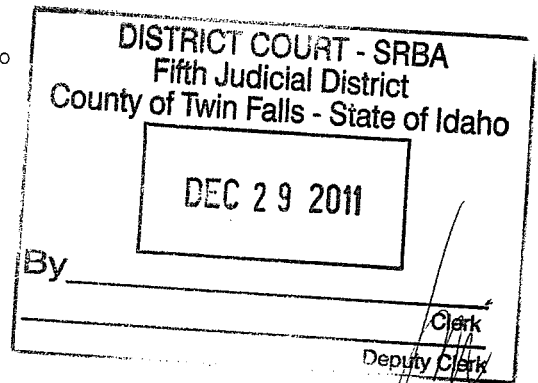
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 22-11537

In Re SRBA)
)
Case No. 39576)
_____)



NAME AND ADDRESS: DON LEROY MILLER
1835 TETON VIEW DR
REXBURG, ID 83440

SOURCE: PARADISE SPRING TRIBUTARY: TETON RIVER

QUANTITY: 0.07 CFS

PRIORITY DATE: 07/21/1969

POINT OF DIVERSION: T04N R45E S30 NENW Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.07 CFS

PLACE OF USE: Irrigation Within Teton County
T04N R45E S30 NENW 9.7 LOT 1 (NWNW) 2.1
11.8 Acres Total

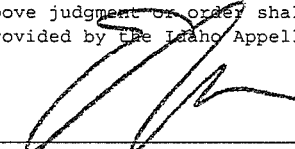
This right is limited to the irrigation of 3.3 acres within the place of use described above in a single irrigation season. Right Nos. 22-13211 and 22-11537 are limited to the irrigation of a combined total of 11.8 acres in a single irrigation season.

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. Wildman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE AND AMENDING PARTIAL DECREE was mailed on December 29,
2011, with sufficient first-class postage to the following:

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

DON LEROY MILLER
1835 TETON VIEW DR
REXBURG, ID 83440