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AUG 31 2011

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 30 2011	
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

Case No. 39576

-) Water right claims: 21-7128, 21-13117 &
-) 21-13118
-)
-) ORDER SETTING ASIDE AMENDED
-) PARTIAL DECREE FOR WATER
-) RIGHT 21-7128
-)
-) FINAL ORDER DISALLOWING
-) WATER RIGHT CLAIM 21-7128
-)
-) ORDER OF PARTIAL DECREES FOR
-) WATER RIGHT CLAIMS 21-13117 & 21-
-) 13118

An *Amended Partial Decree* for water right 21-7128 was issued on November 25, 2008. On March 6, 2009, the Clerk of the Court received correspondence from the Idaho Department of Water Resources notifying the Court that the *Amended Partial Decree* for water right 21-7128 contains clerical errors. On July 19, 2011 the Idaho Department of Water resources filed a *Notice of Completed Administrative Proceeding* ("NCAP") with respect to water right 21-7128 reflecting that the right has been split into water rights 21-13117 and 21-13118, as well as a change of ownership. The *NCAP* recommends that water right 21-7128 be disallowed on the grounds that it has been split, and that *Partial Decrees* be entered for water rights 21-13117 and 21-13118. The *Partial Decrees* for water rights 21-13117 and 21-13118 correct the clerical errors that existed in the *Amended Partial Decree* for water right 21-7128.

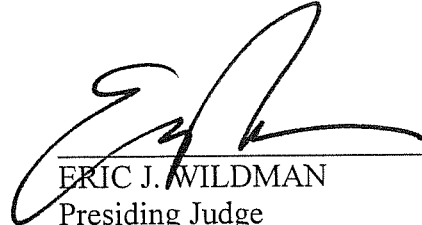
Therefore, IT IS ORDERED that the *Amended Partial Decree* entered for water right 21-7128 is hereby set aside.

IT IS FURTHER ORDERED that water right claim 21-7128 is hereby disallowed with prejudice and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

ORDER SETTING ASIDE AMENDED PARTIAL DECREE;
FINAL ORDER DISALLOWING WATER RIGHT CLAIM;
ORDER OF PARTIAL DECREE

IT IS FURTHER ORDERED that that water rights 21-13117 and 21-13118 be decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

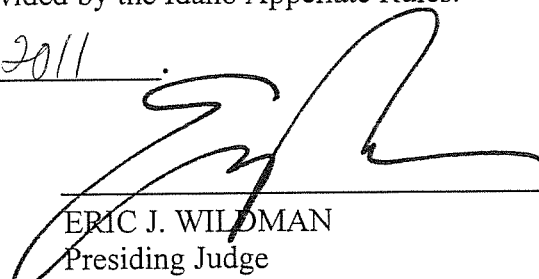
DATED August 30, 2011.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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.

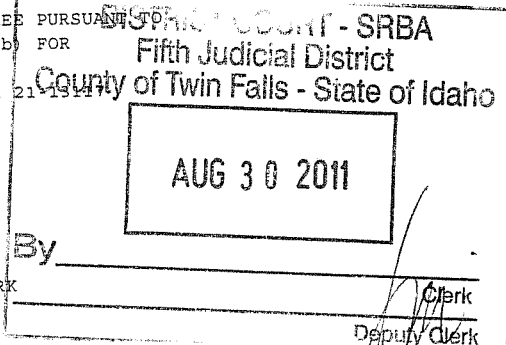
DATED August 30, 2011.


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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-13117



NAME AND ADDRESS: MARY C GRIFFEL
RT 2
ASHTON, ID 83420

SOURCE: FALL RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 0.49 CFS
154.00 AFY

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 lands herein.

PRIORITY DATE: 08/08/1977

POINT OF DIVERSION: T08N R43E S08 NENWNE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.49 CFS 154.00 AFY

PLACE OF USE:	Irrigation	Within Fremont County
	T08N R43E S05 S08 44.0 Acres Total	SESE 13.0 NENE 27.0 NWNE 4.0

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

When water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Fremont-Madison Irrigation District, or shall otherwise mitigate the depletion of water caused by this water use.

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

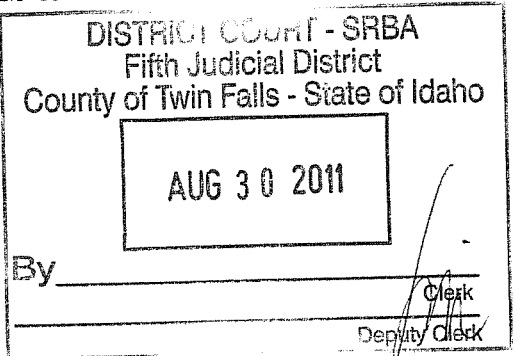
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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

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 21-13118



NAME AND ADDRESS: KRISTEN SCAFE
NATHAN SCAFE
1012 GRAINVILLE RD
ASHTON, ID 83420

SOURCE: FALL RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 1.78 CFS
560.00 AFY

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 lands herein.

PRIORITY DATE: 08/08/1977

POINT OF DIVERSION: T08N R43E S08 NENWNE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.78 CFS 560.00 AFY

PLACE OF USE:	Irrigation	Within Fremont County
	T08N R43E S04 SWSW 39.0	SESW 39.0
	S08 NENE 2.0	
	S09 NENW 40.0	NWNW 40.0
	160.0 Acres Total	

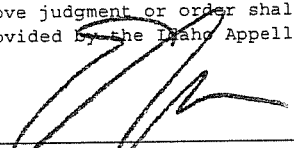
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

When water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Fremont-Madison Irrigation District, or shall otherwise mitigate the depletion of water caused by this water use.

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. Waldman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

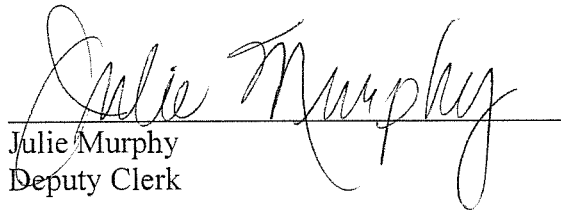
I hereby certify that true and correct copies of the **ORDER SETTING ASIDE AMENDED PARTIAL DECREE FOR WATER RIGHT 21-7128; FINAL ORDER DISALLOWING WATER RIGHT CLAIM 21-7128; ORDER OF PARTIAL DECREE FOR WATER RIGHT CLAIMS 21-13117 & 21-13118** were mailed on August 30, 2011, by first-class mail to the following:

DIRECTOR OF IDWR
PO Box 83720
Boise, ID 83720-0098

Daniel & Sheila Summers
PO Box 1798
Ketchum, ID 83340

Nathan & Kristen Scafe
1012 Grainville Rd
Ashton, ID 83420

Gerald L. Broadfoot
1156 N 1330 E
Shelley, ID 83274


Julie Murphy
Deputy Clerk