

RECEIVED

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

) ORDER OF PARTIAL DECREE

Case No. 39576

) Subcase No. 37-04142

) (Bashaw)

On July 22, 2011, 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

August 30, 2011

ERIC J. WILDMAN

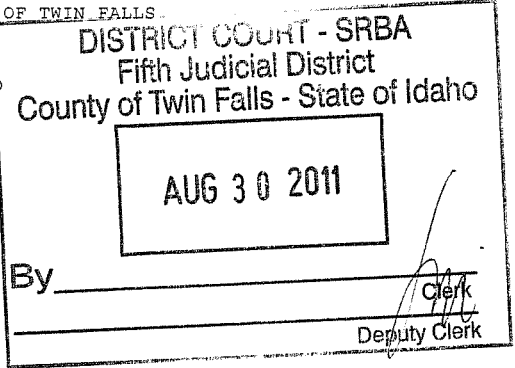
Presiding Judge

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 37-04142



NAME AND ADDRESS: AUDREY BASHAW
GERALD B BASHAW
PO BOX 767
PICABO, ID 83348

SOURCE: WASTER WATER TRIBUTARY: LOVING CREEK

QUANTITY: 4.72 CFS
1315.00 AFY

The rights listed below are limited to a total combined diversion
rate of 7.48 cfs and to a total combined annual diversion volume
of 1309 AF for irrigation purposes. Combined Right Nos.:
37-11556, 37-4142, 37-800 and 37-801.

PRIORITY DATE: 04/30/1931

POINT OF DIVERSION: T01S R19E S03 NWNESE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	4.60 CFS 1309.00 AFY
	Stockwater	01-01 TO 12-31	0.12 CFS 6.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S34	NESE 16.0 SESE 20.0
	S35	NWSW 19.0 SWSW 35.0
	T01S R19E S02 LOT 2	(SWNE)15.0 LOT 3 (NESW) 5.0
		NESW 40.0 NWSW 33.0
		SWSW 35.0 SESW 25.0
		NESE 25.0 NWSE 18.0
		SWSE 10.0 SESE 40.0
	S03 LOT 2	(SWNE) 8.0 NESE 30.0
		NWSE 3.0 SESE 4.0
	S11	NENE 35.0 NENW 3.0
		NWNW 15.0
	434.0 Acres Total	

Stockwater Within Blaine County
Same as Irrigation

The rights listed below are limited to the irrigation of a
combined total of 374 acres in a single irrigation season.
Combined Right Nos.: 37-11556, 37-4142, 37-800 and 37-801.
This right is limited to the irrigation of 374 acres within the
place of use described above in a single irrigation season.

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

This right remains subject to the right of the original
appropriator, in good faith and in compliance with state laws
governing changes in use and/or expansion of water rights, to
cease wasting water, to change the place or manner of wasting it,
or to recapture it.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

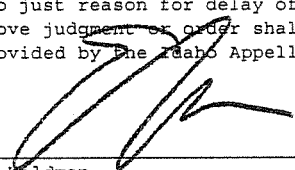
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

2011 AUG 30 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): 37-04142

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 37-04142 was mailed
on August 30, 2011, with sufficient first-class postage prepaid
to the following:

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

AUDREY BASHAW
GERALD B BASHAW
Represented by:
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

JULIE MURPHY
Chief Deputy Clerk