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MAY 11 2011

DEPARTMENT OF
WATER RESOURCES

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

MAY 10 2011

By _____

Clerk

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

ORDER OF PARTIAL DECREE

Subcase: 63-05195
(Niznik)

On November 12, 2010, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. On December 27, 2010, a *Motion to Alter or Amend* was filed for said right. On April 6, 2011, the Special Master issued an *Order Amending August 23, 2010, Memorandum Decision and Order on Motions for Summary Judgment* in resolution of the *Motion to Alter or Amend*. No Challenges were filed to the *Order Amending August 23, 2010, Memorandum Decision and Order on Motions for Summary Judgment* 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 wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 10, 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 63-05195

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

MAY 10 2011

NAME AND ADDRESS:

DAVID NIZNIK
DIANE PECK-NIZNIK
3911 WHITEHEAD
BOISE, ID 83703

SOURCE:

GROUND WATER

QUANTITY:

0.03 CFS
16.50 AFY

PRIORITY DATE:

07/02/1921

POINT OF DIVERSION:

T04N R02E S29 SWNE Within Ada County

Source is low temperature geothermal water.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Heating	01-01 TO 12-31	0.03 CFS
		16.50 AFY
Domestic	01-01 TO 12-31	0.03 CFS

Domestic use is for internal use in 4 homes and does not include lawn, garden, landscape or other types of irrigation. If this right is changed in any way via the IDWR administrative transfer of water right process, the transfer will include a condition that the low temperature geothermal water will be used for its heat value first before any other use. Heating use is for 4 homes.

PLACE OF USE:

Heating		Within Ada County
T04N R02E S29	SWNE	
Domestic		Within Ada County
T04N R02E S29	SWNE	

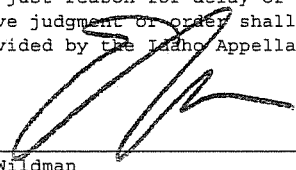
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use. This water right is subject to the terms of a private Agreement dated August 16, 2010, recorded at the Ada County Recorder's Office on November 2, 2010, as Instrument No. 110103331.

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

2011 MAY 10 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): 63-05195

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 63-05195 was mailed
on May 10, 2011, with sufficient first-class postage prepaid
to the following:

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

THE TERTELING CO INC
Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

EDWARDS FAMILY LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
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Phone: 208-424-7800

DAVID NIZNIK
DIANE PECK-NIZNIK
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BOISE, ID 83703
Phone: 208-402-9889

JULIE MURPHY
Chief Deputy Clerk