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MAY 06 2011

DEPARTMENT OF
WATER RESOURCES

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

MAY - 5 2011

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

By _____ Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

)
) Subcase No.: 75-14054
) (Fols)
)
) ORDER SETTING ASIDE AND
) AMENDING PARTIAL DECREE
)

On November 17, 2008, a **Partial Decree** was issued for the above-captioned water right. On February 14, 2011, Claimants, Albert C. and Alvera C. Fols filed a *Motion to Set Aside Partial Decree*. The matter was referred to the Special Master for further proceedings. On March 21, 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 The previously issued **Partial Decree** is replaced and superseded thereby.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: May 5, 2011


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

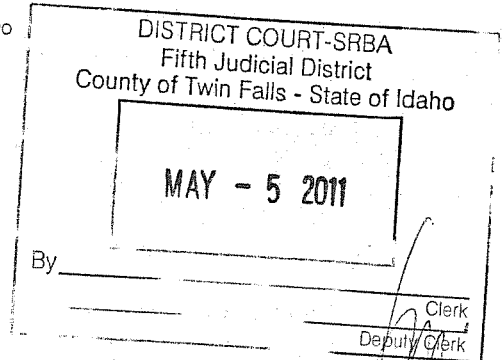
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

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

Water Right 75-14054



NAME AND ADDRESS: ALBERT C FOLS
ALVERA C FOLS
PO BOX 56
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.19 CFS

PRIORITY DATE: 12/22/1910

POINT OF DIVERSION: T23N R22E S35 NENENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.19 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 LOT 2 (NWNE) 9.5
9.5 Acres Total

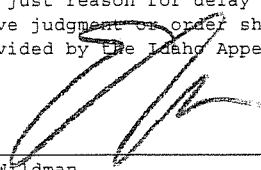
Th rights listed below are limited to the irrigation of a
combined total of 9.5 acres in a single irrigation season.
Combined Right Nos.: 75-14054, 75-14056, 75-14058 and 75-14060.

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 May 05, 2011,
with sufficient first-class postage to the following:

ALBERT C FOLS
ALVERA C FOLS
PO BOX 56
CARMEN, ID 83462
Phone: 208-756-1535

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

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first name "Julie" and last name "Murphy" clearly distinguishable.