

RECEIVED
MAY 04 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAY - 3 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. 37-12396
	)	(Wells Fargo Bank)
_____	)	

On March 3, 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)*.

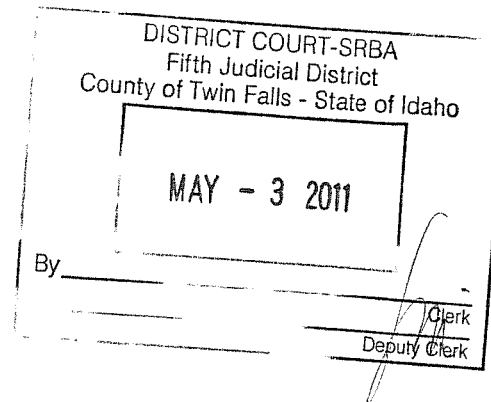
DATED May 3, 2011.



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-12396



NAME AND ADDRESS: WELLS FARGO BANK
1740 BROADWAY
7TH FLOOR MAC C7300-079
DENVER, CO 80274

SOURCE: DEMOCRAT GULCH TRIBUTARY: CROY CREEK
LAMBS GULCH TRIBUTARY: DEMOCRAT GULCH

QUANTITY: 10.00 CFS
647.50 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
The rights listed below are limited to 3.50 af per acre for irrigation purposes in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440 and 37-12396.

PRIORITY DATE: 08/23/1957

POINT OF DIVERSION: T02N R18E S18 SWNENW Within Blaine County
LOT 2 (NESWNW) (Rediversion)
LOT 2 (SNNW) (Injection)
LOT 2 (SNNW)
LOT 5 (SESE)

The point of diversion described as T02N R18E S18 SWNENW is located on the west channel of Lambs Gulch.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	29.60 AFY
	Irrigation from Storage	04-15 TO 10-31	647.50 AFY
	Recreation Storage	01-01 TO 12-31	29.60 AFY
	Diversion to Storage	01-01 TO 12-31	10.00 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS

The 10 cfs flow rate represents diversion from the west channel of Lambs Gulch to the upper reservoir located in T02N, R18E W1/2 NW1/4 located on Democrat Gulch.

PLACE OF USE:	Irrigation from Storage	Within Blaine County
	T02N R18E S17 LOT 3 (SNNW) 2.9	LOT 4 (SENW) 23.0
	NESW 8.6	NWSW 27.0
	LOT 1 (SWSW) 1.1	
	S18 SWNE 15.0	NENW 1.2
	SENW 27.0	NESW 1.2
	NESE 21.0	NWSE 18.0
	SWSE 17.0	LOT 5 (SESE) 22.0
	185.0 Acres Total	
	Stockwater	Within Blaine County
	T02N R18E S17 LOT 3 (SNNW)	LOT 4 (SENW)
	NESW	NWSW
	LOT 1 (SWSW)	
	S18 SWNE	NENW
	SENW	NESW
	NESE	NWSE

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

PLACE OF USE (continued)

	SWSE	LOT 5	(SESE)
Recreation Storage			Within Blaine County
T02N R18E S18 LOT 1	(NWNW)	LOT 2	(SNNW)
	NESE	LOT 5	(SESE)

Place of use does not include federal public lands.

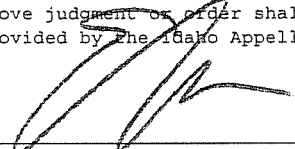
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial 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

2011 MAY 03 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): 37-12396

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 37-12396 was mailed
on May 03, 2011, with sufficient first-class postage prepaid
to the following:

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

WELLS FARGO BANK
Represented by:
BRALEY, KEVIN C
HOLLAND & HART LLP
101 S CAPITOL BLVD STE 1400
PO BOX 2527
BOISE, ID 83701
Phone: 208-342-5000

WELLS FARGO BANK
Represented by:
LINDA B JONES
HOLLAND & HART LLP
101 S CAPITOL BLVD STE 1400
PO BOX 2527
BOISE, ID 83701
Phone: 208-342-5000

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JULIE MURPHY
Chief Deputy Clerk