

RECEIVED
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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 31 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 SETTING ASIDE FINAL ORDER
	)	DISALLOWING WATER RIGHT CLAIM and
Case No. 39576	)	ORDER OF PARTIAL DECREE
	)	
	)	Subcase No. 77-10120
	)	(Holmberg)

On December 16, 2010, 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 *Final Order Disallowing Water Right Claim* for the above-captioned water right be set aside and decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*. This *Partial Decree* supersedes the *Final Order Disallowing Water Right Claim* issued October 11, 2006.

DATED

January 31, 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 77-10120

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 31 2011	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: PATRICIA J HOLMBERG
PO BOX 7042
BOISE, ID 83707-1042

SOURCE: CROOKED CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.50 CFS

PRIORITY DATE: 07/01/1902

POINT OF DIVERSION: T26N R08E S10 NENE Within Idaho County
S11 SENE
S15 NESE
SESE
NWNW
NENE
SWNE
SENE
NWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE Mining	PERIOD OF USE 07-01 TO 11-01	QUANTITY 1.50 CFS
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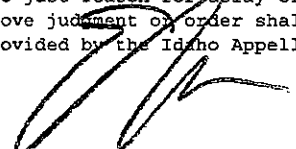
PLACE OF USE:	Mining	Within Idaho County
	T26N R08E S10	SENE
		NESE
	S11	NWNW
	S15	NENE
		SWNE
		SENE
		NWSE

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 FINAL ORDER DISALLOWING WATER RIGHT CLAIM AND ORDER OF
PARTIAL DECREE was mailed on January 31, 2011, with sufficient
first-class postage to the following:

PATRICIA J HOLMBERG
PO BOX 7042
BOISE, ID 83707-1042

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