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DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>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 OF PARTIAL DECREE |
|                | ) |                         |
| Case No. 39576 | ) | Subcase No. 37-02158    |
|                | ) | (Bennett)               |
| _____          | ) |                         |

On December 30, 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 above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

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 )  
                  ) PARTIAL DECREE PURSUANT TO  
Case No. 39576 ) I.R.C.P. 54(b) FOR  
                  ) Water Right 37-02158

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

JAN 31 2011

By \_\_\_\_\_

Clerk

Deputy Clerk

NAME AND ADDRESS: PAT BENNETT  
VICKIE BENNETT  
BOX 113  
HILL CITY, ID 83337

SOURCE: UNNAMED STREAM TRIBUTARY: MALAD RIVER

QUANTITY: 1.00 CFS

The quantity of water under this right for stockwater uses shall  
not exceed 13,000 gallons per day.

PRIORITY DATE: 11/05/1909

POINT OF DIVERSION: T01S R11E S33 NWSWSW Within Elmore County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-15 TO 10-31 | 1.00 CFS |
|                               | Stockwater     | 01-01 TO 12-31 | 0.09 CFS |

|               |                  |           |                      |
|---------------|------------------|-----------|----------------------|
| PLACE OF USE: | Irrigation       |           | Within Elmore County |
|               | T01S R11E S33    | NESW 35.0 | SESW 34.0            |
|               | 69.0 Acres Total |           |                      |
|               | Stockwater       |           | Within Elmore County |
|               | T01S R11E S33    | SWSW      | SESW                 |

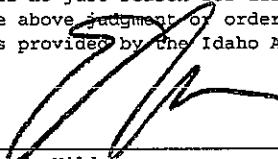
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A  
SEPARATE SOURCE PURSUANT TO BASIN 37 PART 2 GENERAL PROVISION NO.  
1A. IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT  
PURSUANT TO IDAHO CODE SEC. 42-222 OR SUCCESSOR STATUTE, NOTHING  
IN THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR  
ENTITY FROM DEMONSTRATING THAT SUCH A CHANGE IN USE WOULD CAUSE  
INJURY TO ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED  
BY LAW IN THE EVENT OF INJURY.

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 O. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

2011 JAN 31 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 )

Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 37-02158

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 37-02158 was mailed  
on January 31, 2011, with sufficient first-class postage prepaid  
to the following:

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

PAT BENNETT  
VICKIE BENNETT  
Represented by:  
HAEMMERLE, FRITZ X.  
PO BOX 1800  
HAILEY, ID 83333  
Phone: 208-578-0520

JULIE MURPHY  
Chief Deputy Clerk