

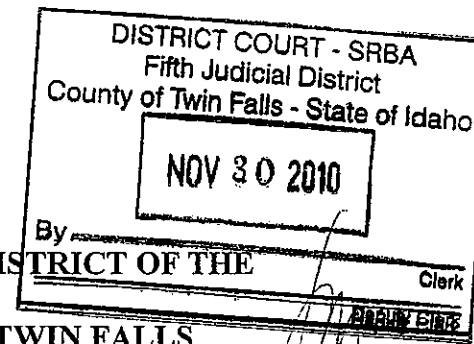
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DEC 02 2010

DEPARTMENT OF
WATER RESOURCES

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

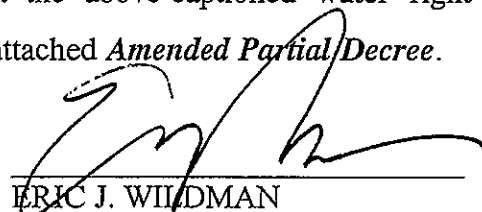
) ORDER SETTING ASIDE PARTIAL
) DECREE
)
) ORDER OF AMENDED PARTIAL
) DECREE
)
) Water Right Claim: 75-10061AC

The Director of the Idaho Department of Water Resources ("IDWR" or the "Department") filed his *Director's Report, Irrigation and Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. A *Partial Decree* for the above-captioned water right was issued on February 19, 2009. However on October 18, 2010, the parties filed a *Standard Form 5* for the above-captioned water right that was not consistent with the *Partial Decree*. Also, via correspondence dated October 18, 2010, the Department and the parties requested that the *Partial Decree* for the above-captioned water right be set aside and that the right be decreed consistent with the *Standard Form 5*. On October 8, 2010, the Department filed a *Notice of Completed Administrative Proceeding*, informing the Court of an address change for the above-captioned water right. No objections were filed and the time for filing objections has expired. On November 26, 2010, another *Notice of Completed Administrative Proceeding* was filed by the Department informing the Court of a substitution of party.

Therefore, IT IS ORDERED that the *Partial Decree* entered for the above-captioned water right is hereby set aside.

IT IS FURTHER ORDERED that the above-captioned water right be decreed with the elements set forth in the attached *Amended Partial Decree*.

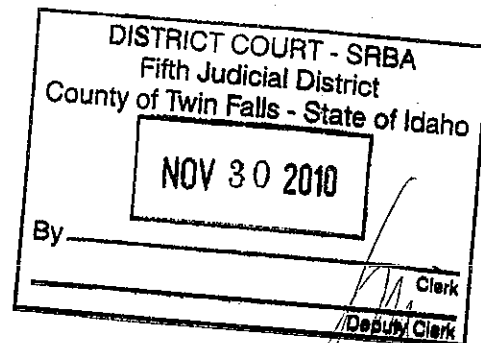
Dated November 30, 2010.


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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-10061AC



NAME AND ADDRESS: JOHNNY J CABIGAS
LANA J CABIGAS
PO BOX 145
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.016 CFS

PRIORITY DATE: 05/01/1875

POINT OF DIVERSION: T23N R22E S35 NENE Within Lemhi County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.016 CFS

PLACE OF USE: Irrigation Within Lemhi County

T22N R22E S03	SWNE 1.4	SENE 1.6
3.0 Acres Total		

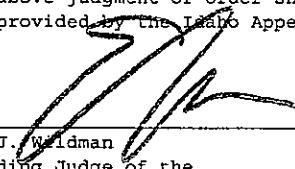
The rights listed below are limited to the irrigation of a combined total of 3 acres in a single irrigation season. Combined Right Nos.: 75-2025H, 75-10061AC, 75-10062AA, 75-14593 and 75-10678. Place of use does not include federal public lands.

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. Waldman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING ASIDE PARTIAL DECREE AND ORDER OF AMENDED PARTIAL DECREE was mailed on November 30, 2010, with sufficient first-class postage to the following:

A C & LUELLA PILKERTON
ALBERT C & ALVERA C FOLS
CHARLES E & MARY N HARLING
JAMES EDGREN & JENNIFER BRADY
LLOYD A & SHERYL L TUTOR
TRACY MASCIA

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
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