

RECEIVED

SEP 01 2010

DEPARTMENT OF
WATER RESOURCES

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

AUG 31 2010

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

Case No. 39576

ORDER OF PARTIAL DECREES

Subcases: 37-20706 & 37-20708
(Nachtman)

On July 19, 2010, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. 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 wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED August 31, 2010.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-20706

AUG 31 2010

By

Clerk

~~Deputy Clerk~~

The total instantaneous diversion of water from all points of diversion under Rights 37-20706 and 37-20708 shall not exceed 0.09 cfs, nor total combined annual volume of 10.5 af. The pond associated with this approval is limited to 1/2 acre surface area with a total storage volume of 2.0 acre feet. The pond shall be filled with water diverted from the Big Wood River under rights 37-20706 and 37-20708. To the fullest extent possible water diverted from the Big Wood River shall be utilized to maintain the water level of the pond as mitigation for diversion of ground water under Permit 37-20704.

This right is measured and administered at the point of
redirection.

Commercial use is for a dog kennel and training facility.
Water shall not be diverted for fire protection use under this
right except to fight or repel an existing fire.

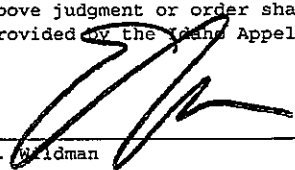
PAGE 1
Jul-16-2010

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.



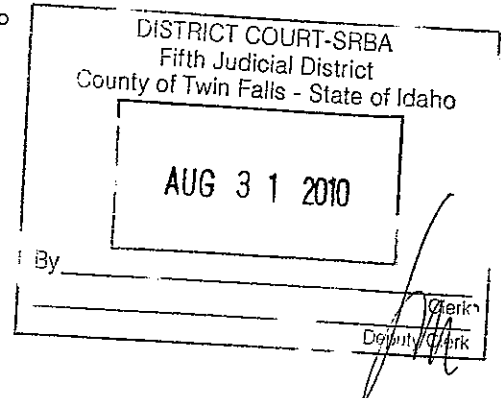
Eric J. Widman
Presiding Judge of the
Snake River Basin Adjudication

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 37-20708



NAME AND ADDRESS: FRANK NACHTMAN
JANET NACHTMAN
PO BOX 966
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.07 CFS
5.00 AFY

The total instantaneous diversion of water from all points of diversion under Rights 37-20706 and 37-20708 shall not exceed 0.09 cfs, nor total combined annual volume of 10.5 af. The pond associated with this approval is limited to 1/2 acre surface area with a total storage volume of 2.0 acre feet. The pond shall be filled with water diverted from the Big Wood River under rights 37-20706 and 37-20708. To the fullest extent possible water diverted from the Big Wood River shall be utilized to maintain the water level of the pond as mitigation for diversion of ground water under Permit 37-20704.

PRIORITY DATE: 06/15/1891

POINT OF DIVERSION: T01N R18E S12 NWSESW Within Blaine County
S25 NWSESW (Rediversion)

This right is measured and administered at the point of rediversion.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Commercial	04-15 TO 10-31	0.07 CFS
	Commercial Storage	01-01 TO 12-31	4.40 AFY
	Fire Protection	04-15 TO 10-31	0.07 CFS
	Fire Protection Storage	01-01 TO 12-31	4.40 AFY
	Diversion to Storage	04-15 TO 10-31	0.07 CFS

Commercial use is for a dog kennel and training facility. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

PLACE OF USE:	Commercial	Within Blaine County
	T01N R18E S36 SWNW	
	Commercial Storage	Within Blaine County
	T01N R18E S36 SWNW	
	Fire Protection	Within Blaine County
	T01N R18E S36 SWNW	
	Fire Protection Storage	Within Blaine County
	T01N R18E S36 SWNW	
	Diversion to Storage	Within Blaine County
	Same as other use	

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

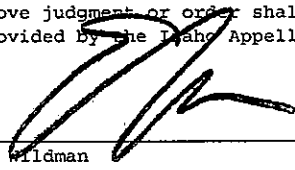
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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 Utah 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 OF PARTIAL DECREES was mailed on August 31, 2010, with sufficient first-class postage to the following:

BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BIG WOOD CANAL COMPANY

Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330
Phone: 208-934-4429

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

FRANK NACHTMAN
JANET NACHTMAN
PO BOX 966
BELLEVUE, ID 83313
Phone: 208-578-7695

