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AUG 05 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

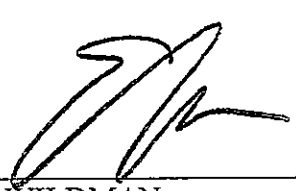
In Re SRBA	DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	Subcase Nos.: 22-13733 & 22-13734 (Kunz)
Case No. 39576	AUG - 4 2010	
By _____	Clerk	ORDER SETTING ASIDE AND AMENDING PARTIAL DECREES
	Deputy Clerk	

On December 2, 2008, *Partial Decrees* were issued for the above-captioned rights. On April 23, 2009, Ryan Kunz and Neil Kunz, filed a *Motion to File Amended Notice of Claim* for said rights. This *Motion* was deemed by this Court as a *Motion to Set Aside Partial Decrees*. The matters were referred to the Special Master for further proceedings. On June 25, 2010, the Special Master issued a *Special Master's Report and Recommendation* recommending that the *Partial Decrees* be set aside and *Amended Partial Decrees* be issued. 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 *Partial Decrees* for the above-captioned water rights are hereby set aside and amended as set forth in the attached *Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decrees* are replaced and superseded thereby.

DATED: August 4, 2010


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

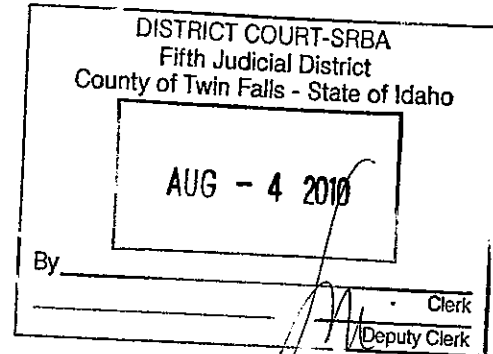
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 22-13733



NAME AND ADDRESS: RYAN M KUNZ
6076 S 1000 W
VICTOR, ID 83455

SOURCE: UNNAMED STREAM TRIBUTARY: FOX CREEK

QUANTITY: 0.81 CFS

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION: T04N R45E S33 SESWNW Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.81 CFS

PLACE OF USE: Irrigation Within Teton County

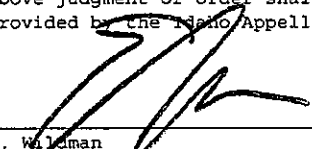
T04N R45E S32	SENE 18.0
S33	SWNW 11.0
29.0 Acres Total	

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

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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 22-13734

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

AUG - 4 2010

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: LANA KUNZ
NEIL KUNZ
625 E 2ND N
ST ANTHONY, ID 83445

SOURCE: UNNAMED STREAM TRIBUTARY: FOX CREEK

QUANTITY: 0.77 CFS

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION: T04N R45E S33 SESWNW Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.77 CFS

PLACE OF USE: Irrigation Within Teton County
T04N R45E S32 NENE 36.0
36.0 Acres Total

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE AND AMENDING PARTIAL DECREES was mailed on August 04,
2010, with sufficient first-class postage to the following:

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

RYAN M KUNZ
6076 S 1000 W
VICTOR, ID 83455

LANA KUNZ
NEIL KUNZ
625 E 2ND N
ST ANTHONY, ID 83445


Deputy Clerk