

RECEIVED
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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN - 1 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: See Attached Exhibit A
(Sherbine – Uncontested Rights)

On April 15, 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

June 1, 2010


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A - UNCONTESTED RIGHTS

Subcase Nos:

37-00468
37-00469
37-00470
37-00893A
37-02554
37-22016

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)
)
Water Right 37-00468

NAME AND ADDRESS: NANCY SHERBINE
WILLIAM L SHERBINE
153 BASELINE RD
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.50 CFS

PRIORITY DATE: 04/17/1883

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

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

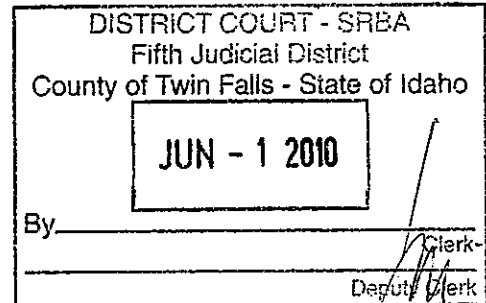
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.50 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S31	NESE 39.0 NWSE 37.0
		SWSE 35.0 SESE 38.0
	T01S R19E S08	NENW 34.0 NWNW 40.0
		SWNW 20.0 SENW 34.0
	277.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 277 acres in a single irrigation season.
Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A, 37-2554,
37-4114 and 37-2554.
This right is limited to the irrigation of 160 acres within the
place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 160 acres in a single irrigation season.
Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A and
37-2554.

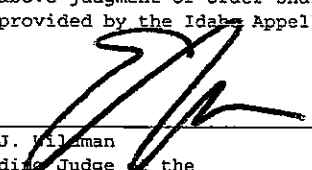
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. Wilman
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 37-00469

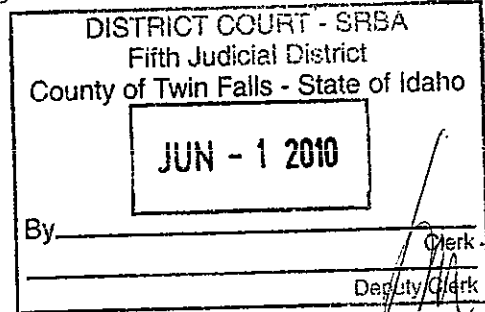
NAME AND ADDRESS: NANCY SHERBINE
WILLIAM L SHERBINE
153 BASELINE RD
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 4.50 CFS

PRIORITY DATE: 06/20/1884

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



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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	4.50 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S31	NESE 39.0 NWSE 37.0 SWSE 35.0 SESE 38.0
	T01S R19E S08	NENW 34.0 NWNW 40.0 SWNW 20.0 SENW 34.0
	277.0 Acres Total	

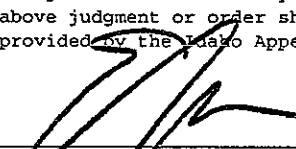
The rights listed below are limited to the irrigation of a
combined total of 277 acres in a single irrigation season.
Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A, 37-2554,
37-4114 and 37-2554.
This right is limited to the irrigation of 160 acres within the
place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 160 acres in a single irrigation season.
Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A and
37-2554.

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).

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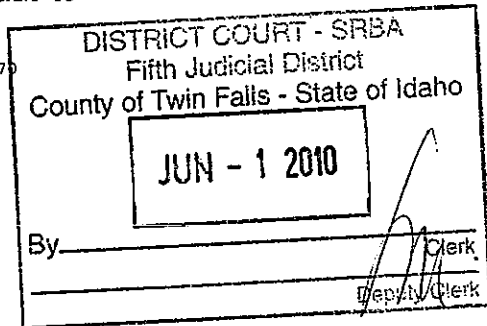


Eric J. Waldman
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00470



NAME AND ADDRESS: NANCY SHERBINE
WILLIAM L SHERBINE
153 BASELINE RD
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 06/02/1890

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

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.00 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T01N R19E S31	NESE 39.0	NWSE 37.0
	SWSE 35.0	SESE 38.0
T01S R19E S08	NENW 34.0	NWNW 40.0
	SWNW 20.0	SENW 34.0
	277.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 277 acres in a single irrigation season.
Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A, 37-2554,
37-4114 and 37-2554.

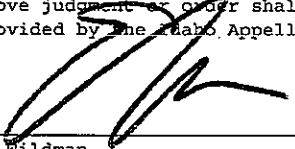
This right is limited to the irrigation of 160 acres within the
place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 160 acres in a single irrigation season.
Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A and
37-2554.

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

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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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Eric J. Wildman
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 37-00893A

NAME AND ADDRESS:

NANCY SHERBINE
WILLIAM L SHERBINE
153 BASELINE RD
BELLEVUE, ID 83313

SOURCE:

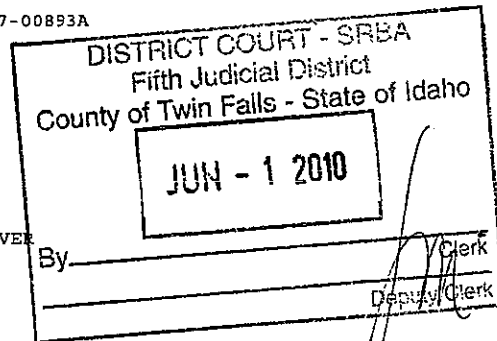
BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY:

1.69 CFS

PRIORITY DATE:

09/01/1920



Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from developed/saved water in the Big Wood River, as established by and subject to the provisions included within In Re Upper Big Wood River Water Users Assn, et. al., plaintiff vs. S. H. Chapman, Watermaster, Defendant in the District Court of Lincoln County dated 8/28/1922.

POINT OF DIVERSION:

T01N R18E S12 NWSESW Within Blaine County
S25 NWSENW (Rediversion)

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

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-15 TO 10-31	1.69 CFS

PLACE OF USE:

PLACE OF USE:	Within Blaine County
Irrigation	
T01N R19E S31	NESE 39.0 SWSE 35.0
T01S R19E S08	NENW 34.0 SWNW 20.0
277.0 Acres Total	NWSE 37.0 SESE 38.0 NWNW 40.0 SENW 34.0

The rights listed below are limited to the irrigation of a combined total of 277 acres in a single irrigation season. Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A, 37-2554, 37-4114 and 37-2554.

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 160 acres in a single irrigation season. Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A and 37-2554.

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

Water under this right is deliverable or may be initiated at the time when the Big Wood River near the Glendale Bridge is dammed and all flow of the river can be conveyed into the Bypass canal heading within the NW1/4SE1/4SW1/4 Section 12, T1N, R18E. The amount of water deliverable under this right is proportionate to the prorata share of senior priority water (prior to 6/15/1883) deliverable in the Baseline Bypass and Extension Bypass system. This right is curtailed when all priority rights through the Baseline Bypass and Extension Bypass system are futile or not

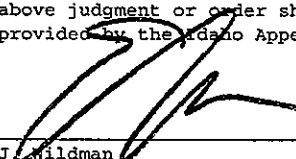
OTHER PROVISIONS (continued)

called for during the irrigation season.

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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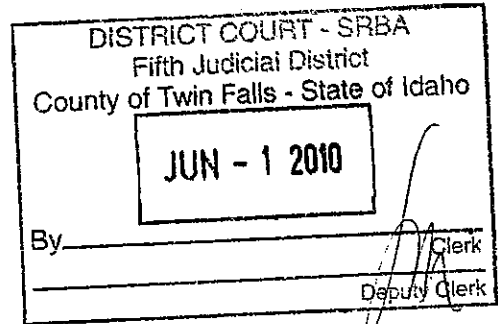


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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-02554



NAME AND ADDRESS: NANCY SHERBINE
WILLIAM L SHERBINE
153 BASELINE RD
BELLEVUE, ID 83313

SOURCE: GROUND WATER

QUANTITY: 3.20 CFS
560.00 AFY

Right Nos. 37-2554, 37-4114 and 37-22016 are limited to a total
combined diversion rate of 4.52 cfs and to a total combined
annual diversion volume of 969.5 AF.

PRIORITY DATE: 08/15/1954

POINT OF DIVERSION: T01N R19E S31 NWNWSE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.20 CFS 560.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
T01N R19E S31	NESE 39.0 SWSE 35.0	NWSE 37.0 SESE 38.0
T01S R19E S08	NENW 34.0 SWNW 20.0	NWNW 40.0 SENW 34.0
277.0 Acres Total		

This right is limited to the irrigation of 160 acres within the
place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 160 acres in a single irrigation season.
Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A and
37-2554.
The rights listed below are limited to the irrigation of a
combined total of 277 acres in a single irrigation season.
Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A, 37-2554,
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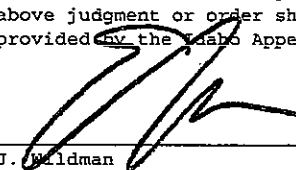
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The right holder shall make full beneficial use of all surface
water rights available to the right holder for irrigation of the
lands authorized to be irrigated under this right. The right
holder shall limit the diversion of ground water under this
right to those times when the surface water supply is not
available or the surface water supply is not reasonably
sufficient to irrigate the place of use authorized under this
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
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Eric J. Wildman
Presiding Judge of the
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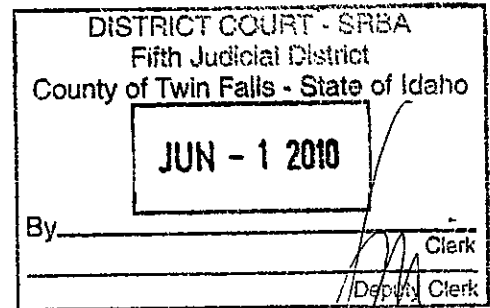
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-22016

NAME AND ADDRESS: NANCY SHERBINE
WILLIAM L SHERBINE
153 BASELINE RD
BELLEVUE, ID 83313

SOURCE: GROUND WATER

QUANTITY: 0.94 CFS
164.50 AFY



Right Nos. 37-2554 and 37-4114 and 37-22016 are limited to a total combined diversion rate of 4.52 cfs and to a total combined annual diversion volume of 969.5 AF.

PRIORITY DATE: 05/01/1987

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION: T01N R19E S31 NWNWSE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.94 CFS 164.50 AFY

PLACE OF USE:	Irrigation	Within Blaine County
	T01N R19E S31	NESE 39.0 NWSE 37.0 SWSE 35.0 SESE 38.0
	T01S R19E S08	NENW 34.0 NWNW 40.0 SWNW 20.0 SENW 34.0
	277.0 Acres Total	

This right is limited to the irrigation of 47 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 277 acres in a single irrigation season. Combined Right Nos.: 37-468, 37-469, 37-470, 37-893A, 37-2554, 37-4114 and 37-22016.

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

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

This right is based upon an enlargement of Right No. 37-2554 and 37-4114 pursuant to Section 42-1426, Idaho Code.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

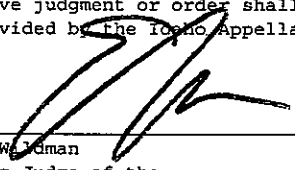
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
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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 OF PARTIAL DECREES was mailed on June 01, 2010, with sufficient first-class postage to the following:

NANCY SHERBINE

WILLIAM L SHERBINE

Represented by:

ALBERT P BARKER

1010 W JEFFERSON, STE 102

PO BOX 2139

BOISE, ID 83701-2139

Phone: 208-336-0700

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

