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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

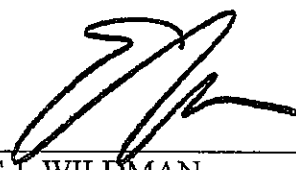
Subcases: 37-00115D & 37-00590A
(Sherbine)

On May 30, 2010, a *Special Master's Report and Recommendation* was filed for water right number 37-00115D. On April 15, 2010, a *Special Master's Report and Recommendation* was filed for water right 37-00590A. No Challenges were filed to the *Special Master's Reports and Recommendations* 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 Reports* and wholly adopts them as its own.

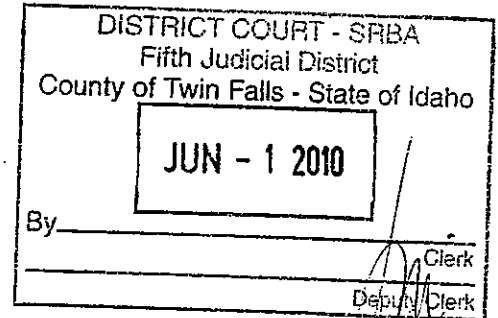
Therefore, IT IS ORDERED that the above-captioned water rights are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED June 1, 2010.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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 37-00115D



NAME AND ADDRESS: THERESA L SHERBINE
WILLIAM T "ROCKY" SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 2.00 CFS

To mitigate for the depletion of water resulting from the diversion and use of water under this right and to prevent injury to other water right holders, the right holder shall cease diverting and using 0.10 cfs of this right, which shall remain undiverted in the Big Wood River.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

PRIORITY DATE: 06/12/1886

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
	Irrigation	04-15 TO 10-31	1.90 CFS
	Mitigation	04-15 TO 10-31	0.10 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S05 LOT 4 (SWNW)18.0 LOT 3 (SENW)14.0	
	NESW 40.0 NWSW 40.0	
	SWSW 40.0 SESW 39.0	
	191.0 Acres Total	

Mitigation	Within Blaine County
Same as Irrigation	

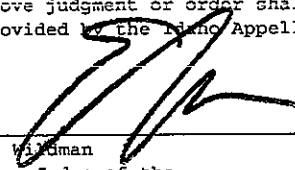
The rights listed below are limited to the irrigation of a combined total of 191 acres in a single irrigation season.
Combined Right Nos.: 37-115D, 37-590A, and 37-2561.

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

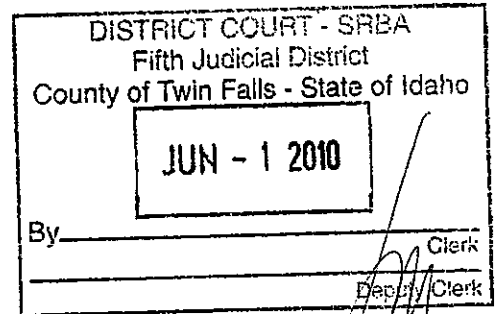
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-00590A



NAME AND ADDRESS: THERESA L SHERBINE
WILLIAM T "ROCKY" SHERBINE
200 BASELINE RD
BELLEVUE, ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 4.00 CFS

To mitigate for the depletion of water resulting from the diversion and use of water under this right and to prevent injury to other water right holders, the right holder shall cease diverting and using 0.20 cfs of this right, which shall remain undiverted in the Big Wood River.

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION: T01N R18E S12 NWSEW 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	3.80 CFS
	Mitigation	04-15 TO 10-31	0.20 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S05 LOT 4 (SWNW)18.0 LOT 3 (SENW)14.0	
	NESW 40.0 NWSW 40.0	
	SWSW 40.0 SESW 39.0	
	191.0 Acres Total	

Mitigation	Within Blaine County
Same as Irrigation	

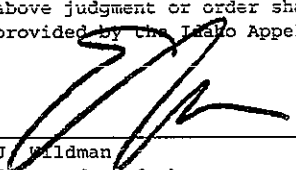
The rights listed below are limited to the irrigation of a combined total of 191 acres in a single irrigation season.
Combined Right Nos.: 37-115D, 37-590A, and 37-2561.

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. Wildman
Presiding Judge of the
Snake River Basin Adjudication

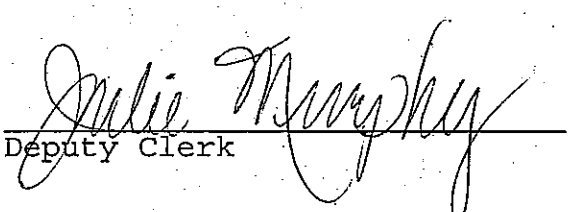
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on June 01, 2010, with sufficient first-class postage to the following:

THERESA L. SHERBINE
WILLIAM T "ROCKY" 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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned in the bottom right corner of the page.