

RECEIVED

APR 22 2010

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

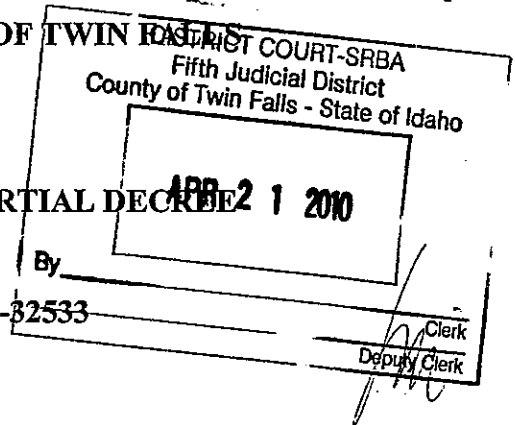
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

Subcase No.: 63-32533

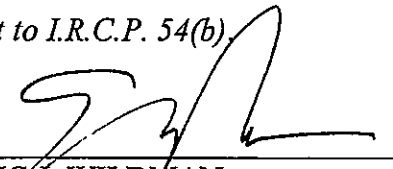


On September 14, 2009, an *Order Granting Motion for Summary Judgment; Special Master's Report; Findings of Fact and Conclusions of Law* ("Order Granting Motion for Summary Judgment") was filed for the above-captioned water right recommending that said right be decreed with the elements set forth in the attached *Partial Decree*. On October 27, 2009, Claimants moved to alter or amend the *Order Granting Motion for Summary Judgment*. An *Order Denying Claimant's Motion to Alter or Amend* was filed on November 27, 2009.

On December 11, 2009, Claimants filed a Notice of Challenge to the *Order Denying Claimant's Motion to Alter or Amend* with this Court. Following hearing, a *Memorandum Decision and Order on Challenge* was filed on April 21, 2010 denying Claimants' *Challenge* and adopting the Findings of Fact and Conclusions of Law contained in the *Order Granting Summary Judgment*.

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

Dated April 21, 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)
Case No. 39576)

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

Water Right 63-32533

NAME AND ADDRESS:

BILL ATEN
21737 CASE LN
WILDER, ID 83676

JOE ATEN
MARIA L MORALES
MATTHEW ATEN
30588 PECKHAM RD
WILDER, ID 83676

SOURCE: CASE DRAIN TRIBUTARY: SNAKE RIVER

QUANTITY: 0.16 CFS

This right when combined with all other rights shall not exceed
0.02 cfs per acre.
The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 11/04/1933

POINT OF DIVERSION: T04N R06W S13 NWNE Within Canyon County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	0.13 CFS
Stockwater	01-01 TO 12-31	0.03 CFS

PLACE OF USE: Irrigation Within Canyon County
T04N R06W S13 SWNE 6.7
6.7 Acres Total

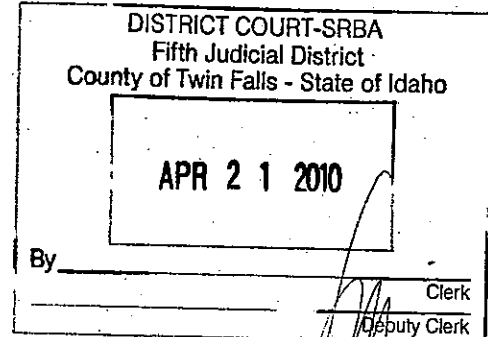
Stockwater Within Canyon County
T04N R06W S13 SWNE

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

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

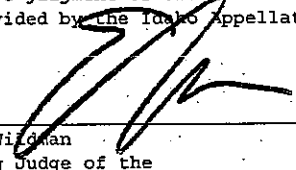
Source of this right is waste water. The wasting of water may be
discontinued at any time.

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. Windman
Presiding Judge of the
Snake River Basin Adjudication

2010 APR 21 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 63-32533

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 63-32533 was mailed
on April 21, 2010, with sufficient first-class postage prepaid
to the following:

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

WILDER IRRIGATION DISTRICT
Represented by:
PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

BILL ATEN
21737 CASE LN
WILDER, ID 83676
Phone: 208-482-6963

CERTIFICATE OF MAILING

PAGE 1
04/21/10

JOE ATEN
MARIA L MORALES
MATTHEW ATEN
30588 PECKHAM RD
WILDER, ID 83676

JULIE MURPHY
Chief Deputy Clerk