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APR 19 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

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

APR 16 2010

By

Clerk
Deputy Clerk

ORDER SETTING ASIDE FINAL ORDER
DISALLOWING WATER RIGHT CLAIMS
and ORDER OF PARTIAL DECREES

Subcase Nos. 78-4084A, 78-4084B & 78-4084C
(Deveny / Dixon)

On January 22, 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*.

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. On February 9, 2010, a *Notice of Completed Administrative Proceeding* together with *Amended Director's Reports* was filed by the Idaho Department of Water Resources, notifying the Court of a substitution of party for each of the rights. No Challenges were filed to the *Notice of Completed Administrative Proceeding* and *Amended Director's Reports* and the time for filing Challenges has now expired.

Therefore, IT IS ORDERED that the above-captioned water rights be **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*. These *Partial Decrees* supersede the *Final Order Disallowing Water Right Claims* issued May 19, 2008.

DATED

April 16, 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 78-04084A

NAME AND ADDRESS: BRYAN G DEVENY
SANDI DEVENY
BOX 116
RIGGINS, ID 83549

DRAKE DIXON
C/O BRYAN DEVENY
BOX 116
RIGGINS, ID 83549

SOURCE: SPRING TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 06/01/1900

POINT OF DIVERSION: T23N R01E S08 SWNE Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Domestic Within Idaho County
T23N R01E S08 SWNE

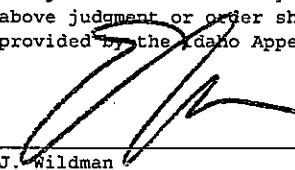
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

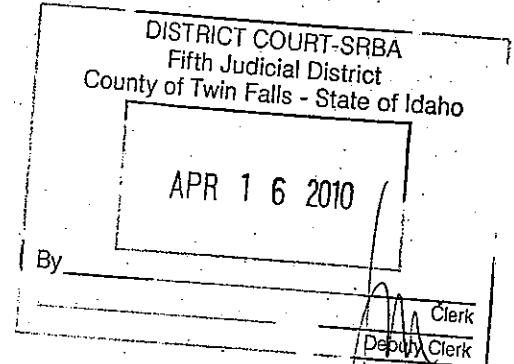
The quantity of water decreed for this water right is not a
determination of historical beneficial use.

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



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 78-04084B

NAME AND ADDRESS:

BRYAN G DEVENY
SANDI DEVENY
BOX 116
RIGGINS, ID 83549

DRAKE DIXON
C/O BRYAN DEVENY
BOX 116
RIGGINS, ID 83549

SOURCE:

SPRINGS TRIBUTARY: LITTLE SALMON RIVER

QUANTITY:

0.10 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE:

06/01/1900

POINT OF DIVERSION:

T23N R01E S08

SWNE Within Idaho County
NENW
SENE
SENE
NWSW
NWSW

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Stockwater

PERIOD OF USE
01-01 TO 12-31

QUANTITY
0.10 CFS

PLACE OF USE:

Stockwater
T23N R01E S08

NWNE
NENW
NWSW

Within Idaho County
SWNE
SENE

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

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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DISTRICT COURT-SRBA
Fifth Judicial District
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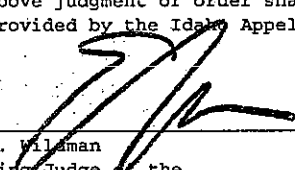
By

Clerk

Deputy Clerk

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

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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 78-04084C

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

APR 16 2010

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: BRYAN G DEVENY
SANDI DEVENY
BOX 116
RIGGINS, ID 83549

DRAKE DIXON
C/O BRYAN G DEVENY
BOX 116
RIGGINS, ID 83549

SOURCE: SPRING TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 06/01/1900

POINT OF DIVERSION: T23N R01E S08 NWSW Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Domestic Within Idaho County
T23N R01E S08 NWSW

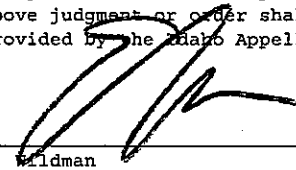
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a
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THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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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 SETTING
ASIDE FINAL ORDER DISALLOWING WATER RIGHT CLAIMS AND ORDER OF
PARTIAL DECREES was mailed on April 16, 2010, with sufficient
first-class postage to the following:

BRENT ROCKY LLC

Represented by:

MATT MC GEE

101 S CAPITOL BLVD, 10TH FL

PO BOX 829

BOISE, ID 83701-0829

Phone: 208-345-2000

BRYAN G DEVENY

SANDI DEVENY

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C/O BRYAN G DEVENY

BOX 116

RIGGINS, ID 83549

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098