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OCT 29 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2009 OCT 27 PM 1 03

22-2184
etal

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 AMENDED PARTIAL DECREES

SUBCASES: See Attached Exhibit A
(Smith)

On August 31, 2009, 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 *Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decrees* are replaced and superseded thereby.

DATED October 27, 2009.

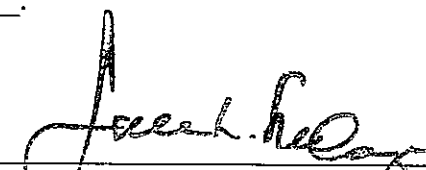

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A - RICHARD F SMITH - AMENDED

Subcase Nos:

22-02184

22-02230

22-07075

22-11147

22-11149

(Subcase list: B22RSMITH)

9/17/09

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

AMENDED

In Re SRBA)
Case No. 39576)
_____)

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

2009 OCT 27 PM 1 03

Water Right 22-02184

NAME AND ADDRESS: RICHARD F SMITH
PO BOX 8
REXBURG, ID 83440

SOURCE: GROUND WATER

QUANTITY: 3.55 CFS
1085.00 AFY

The rights listed below are limited to a total combined diversion rate of 10.17 cfs and to a total combined annual diversion volume of 3899 AF. Combined Right Nos.: 22-2184, 22-2230, 22-7075, 22-11147, 22-11149.
The rights listed below are limited to a total combined diversion rate of 10.85 cfs. Combined Right Nos.: 22-2184, 22-2230, 22-7075, 22-7507, 22-11147, 22-11149.

PRIORITY DATE: 10/03/1960

POINT OF DIVERSION: T06N R40E S28 SWSESW Within Madison County
S33 SWNESW
SENESEW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 10-31	3.55 CFS 1085.00 AFY

PLACE OF USE:	Irrigation	Within Madison County
T06N R40E S28	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 25.0	NWSE 40.0
	SWSE 35.0	SESE 31.0
S29	SWSE 37.0	SESE 37.0
S32	NWNE 40.0	SWNE 39.0
	NESW 31.0	NWSE 40.0
S33	NENE 23.0	NWNE 40.0
	SWNE 37.0	SENE 37.0
	NENW 40.0	NWNW 40.0
	SWNW 37.0	SENW 40.0
	NESW 33.0	NWSW 39.0
	SWSW 39.0	SESW 37.0
	NESE 40.0	NWSE 40.0
	SWSE 38.0	SESE 39.0
1114.0 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 1114 acres in a single irrigation season. Combined Right Nos.: 22-2184, 22-2230, 22-7075, 22-11147, 22-11149.
This right is limited to the irrigation of 310 acres within the place of use described above in a single irrigation season.

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

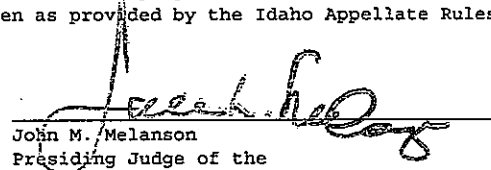
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.


John M. Melanson
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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2009 OCT 27 PM 1 03

AMENDED

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 22-02230

NAME AND ADDRESS: RICHARD F SMITH
PO BOX 8
REXBURG, ID 83440

SOURCE: GROUND WATER

QUANTITY: 1.68 CFS
518.00 AFY

The rights listed below are limited to a total combined
diversion rate of 10.17 cfs and to a total combined annual
diversion volume of 3899.0 AF. Combined Right Nos.: 22-2184,
22-2230, 22-7075, 22-11147, 22-11149.
The rights listed below are limited to a total combined diversion
rate of 10.85 cfs. Combined Right Nos.: 22-2184, 22-2230,
22-7075, 22-7507, 22-11147, 22-11149.

PRIORITY DATE: 09/18/1963

POINT OF DIVERSION: T06N R40E S28 S33
SWSESW Within Madison County
SENESEW
SWNESEW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.68 CFS 518.00 AFY

PLACE OF USE:	Irrigation		Within Madison County
	T06N R40E S28	NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NESE 25.0	NWSE 40.0
		SWSE 35.0	SESE 31.0
	S29	SWSE 37.0	SESE 37.0
	S32	NWNE 40.0	SWNE 39.0
		NESW 31.0	NWSE 40.0
	S33	NENE 23.0	NWNE 40.0
		SWNE 37.0	SENE 37.0
		NENW 40.0	NWNW 40.0
		SWNW 37.0	SENW 40.0
		NESW 33.0	NWSW 39.0
		SWSW 39.0	SESW 37.0
		NESE 40.0	NWSE 40.0
		SWSE 38.0	SESE 39.0
	1114.0 Acres Total		

The rights listed below are limited to the irrigation of a
combined total of 1114.0 acres in a single irrigation season.
Combined Right Nos.: 22-2184, 22-2230, 22-7075, 22-11147,
22-11149.

This right is limited to the irrigation of 148.0 acres within
the place of use described above in a single irrigation season.

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

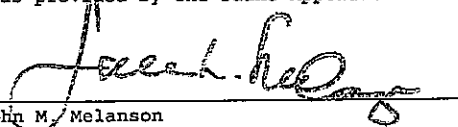
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.



John M. Melanson
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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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2009 OCT 27 PM 1 03

AMENDED

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 22-07075

NAME AND ADDRESS: RICHARD F SMITH
PO BOX 8
REXBURG, ID 83440

SOURCE: GROUND WATER

QUANTITY: 4.94 CFS
1953.00 AFY

The rights listed below are limited to a total combined
diversion rate of 10.17 cfs and to a total combined annual
diversion volume of 3899.0 AF. Combined Right Nos.: 22-2184,
22-2230, 22-7075, 22-11147, 22-11149.
The rights listed below are limited to a total combined diversion
rate of 10.85 cfs. Combined Right Nos.: 22-2184, 22-2230,
22-7075, 22-7507, 22-11147, 22-11149.

PRIORITY DATE: 07/05/1973

POINT OF DIVERSION: T06N R40E S28 SWSESW Within Madison County
S33 SENESW
SWNESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		05-01 TO 11-01	4.94 CFS 1953.00 AFY

The use of water for irrigation under this right may begin as
early as April 1, provided other elements of the right are not
exceeded. The use of water before May 15 under this remark is
subordinate to all water rights having no subordinated early or
late irrigation use and a priority date earlier than the date a
partial decree is entered for this right.

PLACE OF USE:	Irrigation	Within Madison County
T06N R40E S28	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 25.0	NWSE 40.0
	SWSE 35.0	SESE 31.0
S29	SWSE 37.0	SESE 37.0
S32	NWNE 40.0	SWNE 39.0
	NESW 31.0	NWSE 40.0
S33	NENE 23.0	NWNE 40.0
	SWNE 37.0	SENE 37.0
	NENW 40.0	NWNW 40.0
	SWNW 37.0	SENW 40.0
	NESW 33.0	NWSW 39.0
	SWSW 39.0	SESW 37.0
	NESE 40.0	NWSE 40.0
	SWSE 38.0	SESE 39.0
1114.0 Acres Total		

The rights listed below are limited to the irrigation of a
combined total of 1114.0 acres in a single irrigation season.
Combined Right Nos.: 22-2184, 22-2230, 22-7075, 22-11147,
22-11149.

This right is limited to the irrigation of 558.0 acres within

PLACE OF USE (continued)

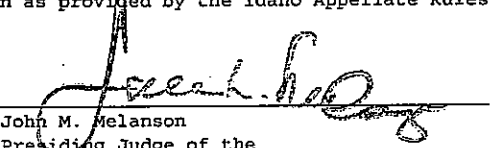
the place of use described above in a single irrigation season.

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.


John M. Melanson
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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2009 OCT 27 PM 1 03

AMENDED

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 22-11147

NAME AND ADDRESS: RICHARD F SMITH
PO BOX 8
REXBURG, ID 83440

SOURCE: GROUND WATER

QUANTITY: 0.54 CFS
168.00 AFY

The rights listed below are limited to a total combined
diversion rate of 10.17 cfs and to a total combined annual
diversion volume of 3899.0 AF. Combined Right Nos.: 22-2184,
22-2230, 22-7075, 22-11147, 22-11149.

The rights listed below are limited to a total combined diversion
rate of 10.85 cfs. Combined Right Nos.: 22-2184, 22-2230,
22-7075, 22-7507, 22-11147, 22-11149.

PRIORITY DATE: 04/01/1962

POINT OF DIVERSION: T06N R40E S28 S33
SWSESW Within Madison County
SENESEW
SWNESEW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.54 CFS 168.00 AFY

PLACE OF USE:	Irrigation	Within Madison County
T06N R40E S28	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 25.0	NWSE 40.0
	SWSE 35.0	SESE 31.0
S29	SWSE 37.0	SESE 37.0
S32	NWNE 40.0	SWNE 39.0
	NESW 31.0	NWSE 40.0
S33	NENE 23.0	NWNE 40.0
	SWNE 37.0	SENE 37.0
	NENW 40.0	NWNW 40.0
	SWNW 37.0	SENE 40.0
	NESW 33.0	NWSW 39.0
	SWSW 39.0	SESW 37.0
	NESE 40.0	NWSE 40.0
	SWSE 38.0	SESE 39.0
1114.0 Acres Total		

The rights listed below are limited to the irrigation of a
combined total of 1114.0 acres in a single irrigation season.
Combined Right Nos.: 22-2184, 22-2230, 22-7075, 22-11147,
22-11149.

This right is limited to the irrigation of 48 acres within the
place of use described above in a single irrigation season.

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

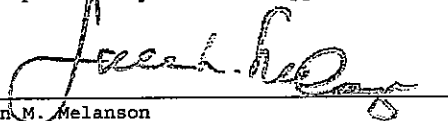
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.



John M. Melanson
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

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

Water Right 22-11149

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

2009 OCT 27 PM 1 03

In Re SRBA)
)
Case No. 39576)
_____)

NAME AND ADDRESS: RICHARD F SMITH
PO BOX 8
REXBURG, ID 83440

SOURCE: GROUND WATER

QUANTITY: 0.57 CFS
175.00 AFY

The rights listed below are limited to a total combined
diversion rate of 10.17 cfs and to a total combined annual
diversion volume of 3899.0 AF. Combined Right Nos.: 22-2184,
22-2230, 22-7075, 22-11147, 22-11149.
The rights listed below are limited to a total combined diversion
rate if 10.85 cfs. Combined Right Nos.: 22-2184, 22-2230,
22-7075, 22-7507, 22-11147, 22-11149.

PRIORITY DATE: 04/15/1981

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: T06N R40E S28 SWSESW Within Madison County
S33 SENESW
SWNESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.57 CFS 175.00 AFY

PLACE OF USE:	Irrigation	Within Madison County
	T06N R40E S28	NESW 40.0 NWSW 40.0 SESW 40.0 NESE 25.0 NWSE 40.0 SWSE 35.0 SESE 31.0 S29 SWSE 37.0 SESE 37.0 S32 NWNE 40.0 SWNE 39.0 NESW 31.0 NWSE 40.0 S33 NENE 23.0 NWNE 40.0 SWNE 37.0 SENE 37.0 NENW 40.0 NWNW 40.0 SNNW 37.0 SENW 40.0 NESW 33.0 NWSW 39.0 SESW 37.0 NESE 40.0 NWSE 40.0 SWSE 38.0 SESE 39.0
	1114.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 1114.0 acres in a single irrigation season.
Combined Right Nos.: 22-2184, 22-2230, 22-7075, 22-11147,
22-11149.

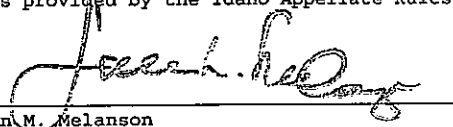
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is based upon an enlargement of Right No. 22-2184 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 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.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREES was mailed on October 27, 2009, with sufficient first-class postage to the following:

RICHARD F SMITH
PO BOX 8
REXBURG, ID 83440
Phone: 208-356-4912

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

ORDER

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Deputy Clerk