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JAN 29 2010

DEPARTMENT OF  
WATER RESOURCES

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

JAN 28 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

)  
) **Water Rights: 37-22453 & 37-22454**  
)  
) **ORDER OF PARTIAL DECREES**  
) **(Foley)**  
)  
)

On February 21, 2007, the Idaho Department of Water Resources filed its *Director's Report for Basin 37, Part III, Reporting Area 16, for Irrigation and Other Water Rights*, which included a recommendation for water right 37-02696.

On November 4, 2009, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Reports* notifying the Court that water right 37-02696 had been split into water rights **37-22453** and **37-22454**. No objections were filed to the *Amended Director's Reports* and the time period for filing objections has 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)*.

DATED January 28, 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 37-22453

NAME AND ADDRESS: CHARLES T FOLEY  
1 EAST END AVE APT #12  
NEW YORK, NY 10075

SOURCE: GROUND WATER

QUANTITY: 3.33 CFS  
586.60 AFY

PRIORITY DATE: 05/19/1964

POINT OF DIVERSION: T01S R19E S14 NWNWSW Within Blaine County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 04-01 TO 10-31 | 3.33 CFS<br>586.60 AFY |

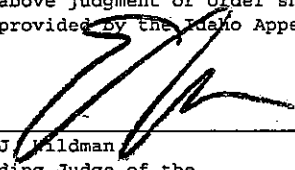
| PLACE OF USE: | Irrigation        | Within Blaine County                |
|---------------|-------------------|-------------------------------------|
|               | T01S R19E S14     | NESW 29.8<br>SWSW 28.0<br>NWSE 31.0 |
|               |                   | NWSW 31.0<br>SESW 36.0<br>SWSE 11.8 |
|               | 167.6 Acres Total |                                     |

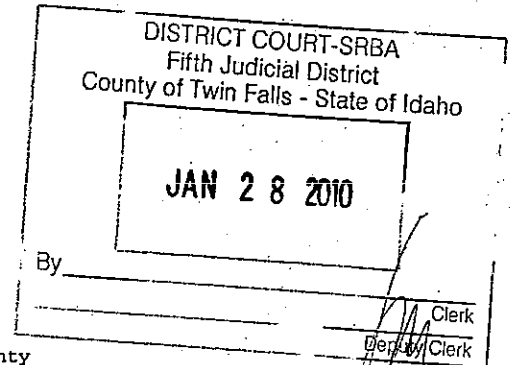
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

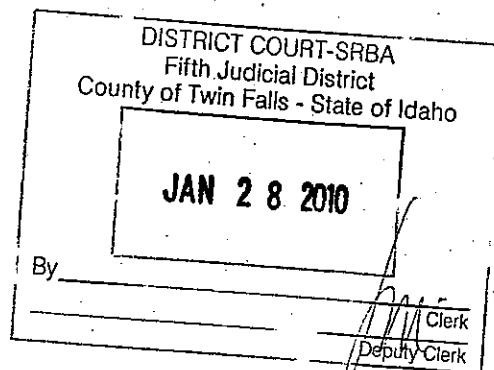


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

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

Water Right 37-22454



NAME AND ADDRESS: CHARLES T FOLEY  
1 EAST END AVE APT #12  
NEW YORK, NY 10075

SOURCE: GROUND WATER

QUANTITY: 13.00 AFY

Rights 37-2686F, 37-7598F and 37-22454 authorize the diversion of an annual total of 19.3 acre-feet to be used for the storage of water in a pond and for the replacement of losses caused by evaporation from the pond.  
The pond established by the storage of water under rights 37-2686F, 37-7598F and 37-22454 shall not exceed a total capacity of 12.8 acre-feet or a total surface area of 2.6 acres.

PRIORITY DATE: 05/19/1964

POINT OF DIVERSION: T01S R19E S23 NESE Within Blaine County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE     | PERIOD OF USE  | QUANTITY  |
|----------------------------|--------------------|----------------|-----------|
|                            | Recreation Storage | 01-01 TO 12-31 | 13.00 AFY |
|                            | Aesthetic Storage  | 01-01 TO 12-31 | 13.00 AFY |

| PLACE OF USE: | Recreation Storage | Within Blaine County |
|---------------|--------------------|----------------------|
|               | T01S R19E S23      | NESE                 |
|               | Aesthetic Storage  | Within Blaine County |
|               | T01S R19E S23      | NESE                 |

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

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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 January 28, 2010, with sufficient first-class postage to the following:

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

CHARLES T FOLEY  
1 EAST END AVE APT #12  
NEW YORK, NY 10075

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first and last names being clearly legible despite the cursive style.