

RECEIVED
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: 37-02686E & 37-02686F**
) **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 37-02686B.

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 37-02686B had been split into water rights **37-02686E** and **37-02686F**. 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.

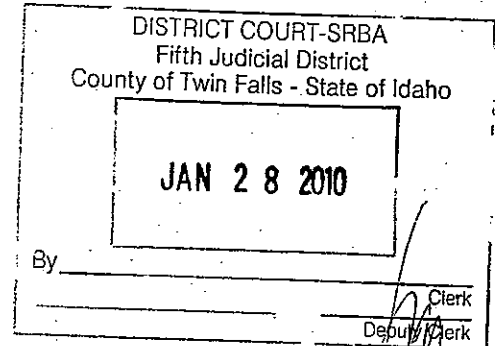
ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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 37-02686E



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

SOURCE: GROUND WATER

QUANTITY: 0.21 CFS
76.20 AFY

Right Nos. 37-2686E and 37-7598E are limited to a total combined
annual diversion volume of 76.2 AF.

PRIORITY DATE: 12/11/1962

POINT OF DIVERSION: T01S R19E S23 NESE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.21 CFS 76.20 AFY

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S23 25.4 Acres Total	NESE 24.4 NWSE 1.0

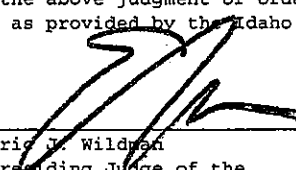
Right Nos. 37-2686E and 37-7598E are limited to the irrigation
of a combined total of 25.4 acres in a single irrigation season.

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.

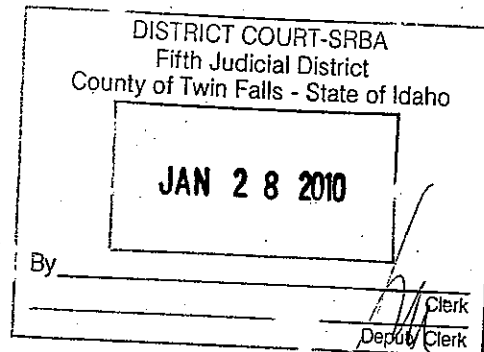

Eric L. Wildgen
Presiding Judge of the
Snake River Basin Adjudication

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 37-02686F



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

SOURCE: GROUND WATER

QUANTITY: 6.30 AFY

Right Nos. 37-2686F and 37-7598F are limited to a total combined annual diversion volume of 6.3 AF.
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: 12/11/1962

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	6.30 AFY
	Aesthetic Storage	01-01 TO 12-31	6.30 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

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

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

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

ORDER

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Deputy Clerk