

RECEIVED
OCT 16 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 15 2009
By _____ Clerk Deputy Clerk

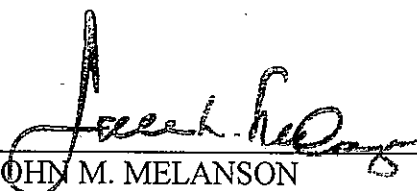
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576) Subcase Nos.: 35-07210 & 35-07369
)
) ORDER OF SECOND AMENDED
) PARTIAL DECREES
)
)
_____)

Amended Partial Decrees were issued for the above-captioned water rights on September 23, 2008. On March 17, 2009, *Amended Director's Reports* were filed to correct clerical errors. Thereafter, revised *Amended Director's Reports* were filed to correct additional errors on April 2, 2009. The Court set a deadline for filing objections. No objections were filed and the time for filing objections has expired.

Therefore, IT IS ORDERED that water rights 35-07210 and 35-07369 are hereby **amended** and **decreed** as set forth in the attached *Second Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED October 15, 2009.


JOHN M. MELANSON
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

SECOND AMENDED

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

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

Water Right 35-07210

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

OCT 15 2009

By _____

Clerk
Deputy Clerk

NAME AND ADDRESS: ALLEN FARMS
2799 VOLLMER LOOP
AMERICAN FALLS, ID 83211

SOURCE: GROUNDWATER

QUANTITY: 6.40 CFS
1120.00 AFY

PRIORITY DATE: 02/14/1972

POINT OF DIVERSION: T07S R30E S29 SESWNW Within Power County
SENWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-15	6.40 CFS 1120.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE
TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT
ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 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 Power County
	T07S R30E S29	NENW 39.0	NWNW 39.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 39.0	SESW 40.0
		NESE 10.0	NWSE 23.0
	S32	NENW 20.0	NWNW 20.0
	390.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 35-07369 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 390 ACRES IN A SINGLE
IRRIGATION SEASON.

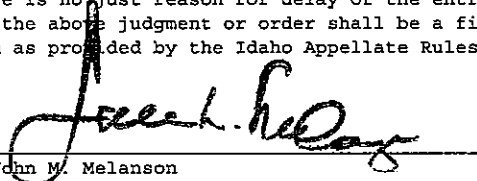
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 320 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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
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

In Re SRBA)
Case No. 39576)
_____)

SECOND AMENDED

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-07369

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

OCT 15 2009

By _____

Deputy Clerk

NAME AND ADDRESS: ALLEN FARMS
2799 VOLLMER LOOP
AMERICAN FALLS, ID 83211

SOURCE: GROUNDWATER

QUANTITY: 1.40 CFS
245.00 AFY

PRIORITY DATE: 01/15/1974

POINT OF DIVERSION: T07S R30E S29 SESWNW Within Power County
SENWSW

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.40 CFS 245.00 AFY

PLACE OF USE:	Irrigation	Within Power County	
	T07S R30E S29	NENW 39.0 SWNW 40.0 NESW 40.0 SWSW 39.0 NESE 10.0 NENW 20.0	NWNW 39.0 SESW 40.0 NWSW 40.0 NWSE 23.0 NWNW 20.0
	S32		
	390.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 35-07210 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 390 ACRES IN A SINGLE
IRRIGATION SEASON.

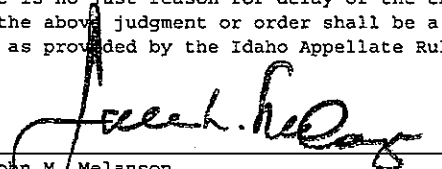
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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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 SECOND AMENDED PARTIAL DECREES was mailed on October 15, 2009, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449

ALLEN FARMS

Represented by:

RANDALL C BUDGE

201 E CENTER, STE A2

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.