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SEP 25 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED
2009 SEP 24 PM 3 20

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	)	ORDER OF PARTIAL DECREES
	)	
Case No. 39576	)	For Water Rights: 73-12150, 73-12151,
	)	73-12152, and 73-12153
	)	
	)	
	)	ORDER SETTING ASIDE PARTIAL
	)	DECREES AND ORDER
	)	DISALLOWING WATER RIGHTS
	)	
	)	For Water Rights: 73-00099 and 73-00100
	)	
	)	

On June 10, 2009, *Partial Decrees* were issued for water rights 73-00099 and 73-00100. Prior to the issuance of the *Partial Decrees*, the Idaho Department of Water Resources ("IDWR") approved a transfer, splitting the rights and changing the Point of Diversion and Place of Use elements. On June 30, 2009, IDWR filed an *Amended Director's Report* in order to account for the transfer that approved splitting and changing the points of diversion and places of use for these rights.

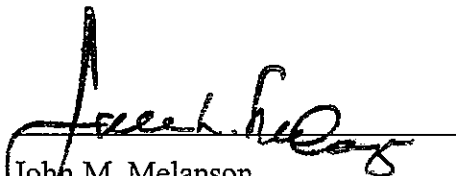
On July 1, 2009, the Court issued an *Order Setting Deadlines for Objections and Responses to Amended Director's Report*. No objections have been filed to the *Amended Director's Report* and the time for filing objections has expired.

Therefore, IT IS ORDERED that split rights 73-12150, 73-12151, 73-12152, 73-12153 be decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

IT IS FURTHER HEREBY ORDERED that the *Partial Decrees* previously issued for water rights 73-00099 and 73-00100 are hereby **set aside** and shall not be

confirmed in any final unified decree in SRBA Case No. 39576 in whatever form that decree may otherwise take or be styled.

Dated: September 24, 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

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

In Re SRBA

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

Case No. 39576

Water Right 73-12150

2009 SEP 24 PM 3 21

NAME AND ADDRESS: CARYL L ELZINGA
GLENN A ELZINGA
19 MOEN LN
MAY, ID 83253-2000

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

Prior to the diversion and use of water under this approval, the
right holder shall comply with all fish screening and/or fish
passage requirements of the Idaho Department of Fish and Game.

QUANTITY: 5.02 CFS

This right when combined with all other rights shall provide no
more than 3.5 afa per acre at the field headgate for irrigation
of the lands below.

PRIORITY DATE: 04/14/1885

POINT OF DIVERSION: T15N R21E S21 SWNE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	5.02 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T15N R21E S21	SWNE 12.9 SENE 1.4 NESW 31.0 SESW 31.0 NESE 33.0 NWSE 39.0 SWSE 35.0 SESE 40.0 S22 NWSW 11.0 SWSW 35.0 S27 NENW 11.0 NWNW 39.0 S28 NENE 31.0
	350.3 Acres Total	

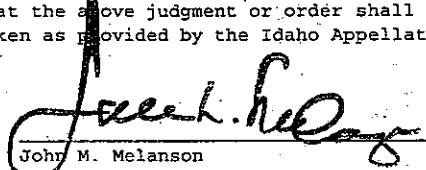
Rights 73-12150, 73-12152, 73-12154 and 73-12163 when combined
shall not exceed the irrigation of 350.3 acres.
Rights 73-12150 and 73-12152 when combined shall not exceed the
irrigation of 236.7 acres.

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

In Re SRBA

Case No. 39576

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

Water Right 73-12151

FILED

2009 SEP 24 PM 3 21

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

Prior to the diversion and use of water under this approval, the
right holder shall comply with all fish screening and/or fish
passage requirements of the Idaho Department of Fish and Game.

QUANTITY: 0.08 CFS

This right when combined with all other rights shall provide no
more than 3.5 afa per acre at the field headgate for irrigation
of the lands below.

PRIORITY DATE: 04/14/1885

POINT OF DIVERSION: T15N R21E S21 SWNE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.08 CFS

PLACE OF USE: Irrigation Within Custer County
T15N R21E S28 NWNE 4.5
4.5 Acres Total

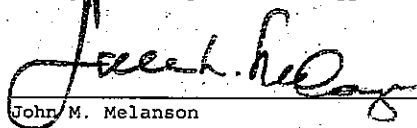
Rights 73-12151, 73-12153, 73-12155 and 73-12162 when combined
shall not exceed the irrigation of 4.5 acres.
Rights 73-12151 and 73-12153 when combined shall not exceed the
irrigation of 3.9 acres.

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

2009 SEP 24 PM 3 21

In Re SRBA

Case No. 39576

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

Water Right 73-12152

NAME AND ADDRESS: CARYL L ELZINGA
GLENN A ELZINGA
19 MOEN LN
MAY, ID 83253-2000

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

QUANTITY: 2.85 CFS

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands below.

PRIORITY DATE: 06/11/1901

POINT OF DIVERSION: T15N R21E S21 SWNE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.85 CFS

PLACE OF USE:	Irrigation	Within Custer County
T15N R21E S21	SWNE 12.9	SENE 1.4
	NESW 31.0	SESW 31.0
	NESE 33.0	NWSE 39.0
	SWSE 35.0	SESE 40.0
S22	NWSW 11.0	SWSW 35.0
S27	NENW 11.0	NWNW 39.0
S28	NENE 31.0	
	350.3 Acres Total	

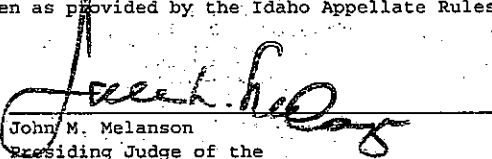
Rights 73-12150, 73-12152, 73-12154 and 73-12163 when combined shall not exceed the irrigation of 350.3 acres.
This right is limited to the irrigation of 114.1 acres within the place of use described above in a single irrigation season.
Rights 73-12150 and 73-12152 when combined shall not exceed the irrigation of 236.7 acres.

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 CO. IDAHO

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

In Re SRBA

Case No. 39576

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

Water Right 73-12153

2009 SEP 24 PM 3 21

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

Prior to the diversion and use of water under this approval, the
right holder shall comply with all fish screening and/or fish
passage requirements of the Idaho Department of Fish and Game.

QUANTITY: 0.05 CFS

This right when combined with all other rights shall provide no
more than 3.5 afa per acre at the field headgate for irrigation
of the lands below.

PRIORITY DATE: 06/11/1901

POINT OF DIVERSION: T15N R21E S21 SWNE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.05 CFS

PLACE OF USE: Irrigation T15N R21E S28 NWNE 4.5 Within Custer County
4.5 Acres Total

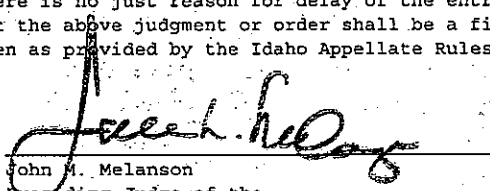
Rights 73-12151, 73-12153, 73-12155 and 73-12162 when combined
shall not exceed the irrigation of 4.5 acres.
This right is limited to the irrigation of 1.9 acres within
the place of use described above in a single irrigation season.
Rights 73-12151 and 73-12153 when combined shall not exceed the
irrigation of 3.9 acres.

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

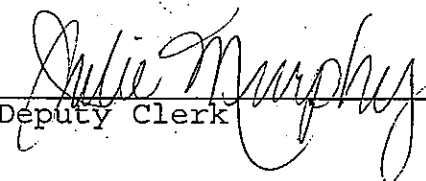
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES AND ORDER SETTING ASIDE PARTIAL DECREES AND ORDER DISALLOWING WATER RIGHTS was mailed on September 24, 2009, with sufficient first-class postage to the following:

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

UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

CARYL L ELZINGA
GLENN A ELZINGA
19 MOEN LN
MAY, ID 83253-2000

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