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JUN 24 2009

DEPARTMENT OF
WATER RESOURCES

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
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 23 2009

By _____ Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

)
) Water Right: 02-10348

) (Warner)

)
) ORDER OF PARTIAL DECREE
)
)
)

On December 29, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 02, Reporting Area 20, for Irrigation and Other Water Rights*, which included recommendations for water right 02-10257.

On March 23, 2007, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court that water right 02-10257 had been split into water rights 02-10330 and 02-10331. On April 6, 2009, IDWR filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court that water right 02-10331 had been split into water rights 02-10346, 02-10347, **02-10348**, 02-10349 and 02-10351. On April 17, 2009, IDWR filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court of a change in the purpose of use element for water right **02-10348**. No objections were filed to any of the *Amended Director's Reports* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that the above-captioned water right be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED

June 23, 2009

JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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 02-10348

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 23 2009	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: PHILLIP M WARNER
SUSAN H WARNER
7548 RIVERFRONT DR
MARSING, ID 83639

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.02 CFS
4.89 AFY

This right mitigates for the depletion of water resulting from
the diversion and use of water under Right 57-11714 pursuant to
the approved mitigation plan for Right 57-11714.

PRIORITY DATE: 01/19/1949

POINT OF DIVERSION: T02N R04W S23 LOT 4 (NESESW) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Mitigation	03-15 TO 11-15	0.02 CFS 4.89 AFY

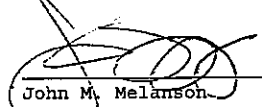
PLACE OF USE: Mitigation Within Owyhee County
T02N R04W S23 LOT 4 (SESW) 1.5
1.5 Acres Total

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.


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

2009 JUN 23 PM 02:00
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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 02-10348

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 02-10348 was mailed
on June 23, 2009, with sufficient first-class postage prepaid
to the following:

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

PHILLIP M WARNER
SUSAN H WARNER
7548 RIVERFRONT DR
MARSING, ID 83639

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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06/23/09