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JUN 5 2009

DEPARTMENT OF
WATER RESOURCES

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

JUN - 5 2009

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 Right: 02-10354**
) **(Rush / Gabert)**
)
) **ORDER OF PARTIAL DECREE**
)
)

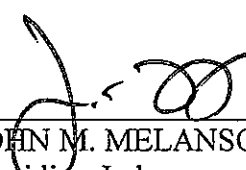
On December 29, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 02, Reporting Area 20, for Irrigation and Other Water Rights*, which included recommendation for water right 02-07257. No objections were filed and the time period for filing objections has expired.

On March 13, 2009, the Idaho Department of Water Resources filed a *Notice of Completed Administrative and Amended Director's Report* notifying the Court that water right 02-07257 had been split into water rights 02-10353 and **02-10354**. No objections were filed to the *Amended Director's Report* 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

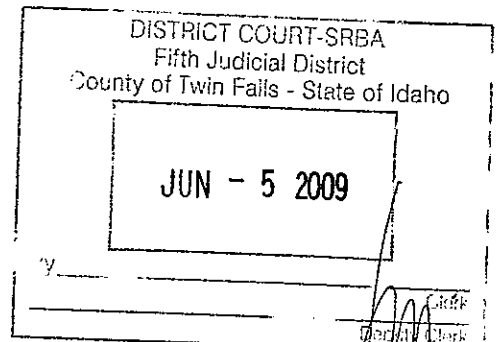
June 5, 2009


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 02-10354



NAME AND ADDRESS: JUDY GABERT
RON B RUSH
18314 MADISON RD
NAMPA, ID 83687

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.39 CFS
96.50 AFY

This right when combined with all other rights shall provide
no more than .02 cfs per acre nor more than 5.0 afa per acre
for the lands herein.

Water shall not be diverted under this right when flows in the
Snake River are below established minimum flow amounts at the
following location: Weiser, 4750 cfs.

PRIORITY DATE: 10/25/1977

POINT OF DIVERSION: T01N R03W S35 LOT 1 (SENE) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.39 CFS 96.50 AFY

The use of water for irrigation under this right may begin as
early as March 1 provided other elements of the right are not
exceeded. The use of water before March 15 under this remark is
subordinate to all water rights having no subordinated early
irrigation use and a priority date earlier than the date a
partial decree is entered for this right.

PLACE OF USE: Irrigation Within Owyhee County
T01N R03W S35 LOT 1 (NESE) 2.0 NWSE 17.3
19.3 Acres Total

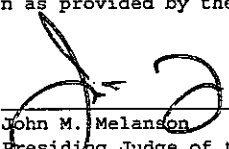
Rights 2-10353, 2-10354, 57-11699, 57-11700, 57-11701 and
57-11702 when combined shall not exceed the irrigation of 164
acres in a single irrigation season.

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.



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

2009 JUN 05 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

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)
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CERTIFICATE OF MAILING

Water Right(s): 02-10354

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 02-10354 was mailed
on June 05, 2009, with sufficient first-class postage prepaid
to the following:

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

JUDY GABERT
RON B RUSH
18314 MADISON RD
NAMPA, ID 83687

JULIE MURPHY
Chief Deputy Clerk