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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

MAY 29 2009

By _____ Clerk
Det. _____ Clerk

In Re SRBA

Case No. 39576

)
) ORDER OF PARTIAL DECREES
)
)
) For water rights: 21-10019 and 21-
) 13051
)

On July 31, 2007, a *Special Master's Report and Recommendation* was issued for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Water right 21-13051 was recommended with an Aesthetic, Recreation, or Wildlife ("ARW") Purpose of Use. This right was withheld from decree because of pending objections in the SRBA regarding the ARW Purpose of Use. The objections involving the ARW Purpose of Use were ultimately designated as Basin-Wide Issue 14. On February 25, 2009, the Court approved an amended decree resolving Basin-Wide Issue 14. Therefore, the Court finds it is now appropriate to issue the *Partial Decrees* for the above-captioned rights.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

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 May 29, 2009.

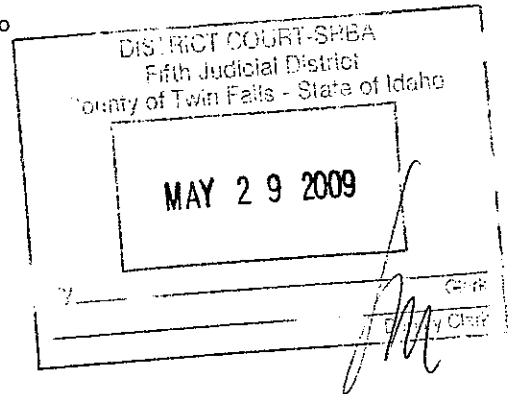


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-10019



NAME AND ADDRESS: CHARLES KANE
JOYCE KANE
3761 HWY 87
ISLAND PARK, ID 83429

SOURCE: SPRING TRIBUTARY: HENRYS LAKE

QUANTITY: 0.68 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.
RIGHT NOS. 21-10019 AND 21-13051 ARE LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .68 CFS.

PRIORITY DATE: 06/27/1898

POINT OF DIVERSION: T16N R43E S29 SESWSE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	0.68 CFS
	Stockwater	05-01 TO 09-30	0.30 CFS

PLACE OF USE:	Irrigation	Within Fremont County
	T16N R43E S32	NENE 1.2 NWNE 23.0
		SWNE 2.0 SENE 7.8
	34.0 Acres Total	
	Stockwater	Within Fremont County
	Same as Irrigation	

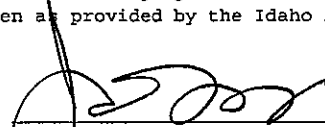
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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

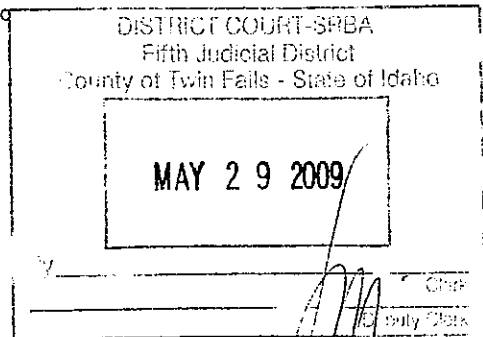
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-13051



NAME AND ADDRESS: CHARLES KANE
JOYCE KANE
3761 HWY 87
ISLAND PARK, ID 83429

SOURCE: SPRING TRIBUTARY: HENRYS LAKE

QUANTITY: 0.68 CFS
0.66 APY

RIGHT NOS. 21-10019 AND 21-13051 ARE LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .68 CFS.

PRIORITY DATE: 10/31/1949

POINT OF DIVERSION: T16N R43E S29 SESWSE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Diversion to Storage	01-01 TO 12-31	0.68 CFS
	Recreation Storage	01-01 TO 12-31	0.66 APY

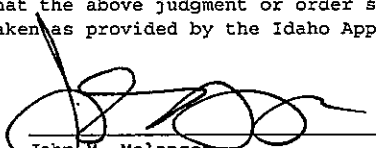
PLACE OF USE:	Recreation Storage	Within Fremont County
	T16N R43E S32 NENE	
	Diversion to Storage	Within Fremont County
	Same as Irrigation	

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 was mailed on May 29, 2009, with sufficient first-class postage to the following:

CHARLES KANE

Represented by:

BECK, DANIEL

410 MEMORIAL DR., STE 201

IDAHO FALLS, ID 83405

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

CHARLES KANE

JOYCE KANE

3761 HWY 87

ISLAND PARK, ID 83429