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MAY 13 2009

DEPARTMENT OF  
WATER RESOURCES

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

MAY 12 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

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)

Water Right: 47-04148  
(Herman)

ORDER OF PARTIAL DECREE

On February 2, 2007, the Idaho Department of Water Resources filed its *Director's Report for Basin 47, Part I, Reporting Area 12, for Irrigation and Other Water Rights*, which included recommendation for the above named water right.

On February 23, 2007, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court of a substitution of party for named water right. 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 May 12, 2009.

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

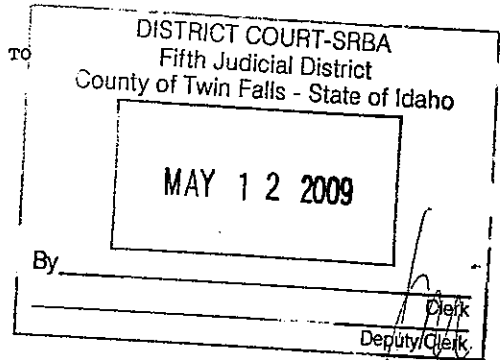
ORDER OF PARTIAL DECREE

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 47-04148



NAME AND ADDRESS: CHERYL HERMAN  
JAMES F HERMAN  
2738 E 2400 N  
TWIN FALLS, ID 83301

SOURCE: NAT-SOO-PAH SPRING TRIBUTARY: SINKS

QUANTITY: 0.28 CFS

The quantity of water under this right for domestic and  
stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/31/1926

POINT OF DIVERSION: T12S R17E S31 NENENW Within Twin Falls County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.28 CFS |
|                               | Stockwater     | 01-01 TO 12-31 | 0.12 CFS |
|                               | Commercial     | 05-01 TO 09-04 | 0.28 CFS |
|                               | Domestic       | 01-01 TO 12-31 | 0.04 CFS |

|               |                    |                          |
|---------------|--------------------|--------------------------|
| PLACE OF USE: | Irrigation         | Within Twin Falls County |
|               | T12S R17E S30      | SESW 16.5                |
|               | S31                | NENW 1.5                 |
|               | 18.0 Acres Total   |                          |
|               | Stockwater         | Within Twin Falls County |
|               | Same as Irrigation |                          |
|               | Commercial         | Within Twin Falls County |
|               | T12S R17E S31      | NENW                     |
|               | Domestic           | Within Twin Falls County |
|               | T12S R17E S30      | SESW                     |

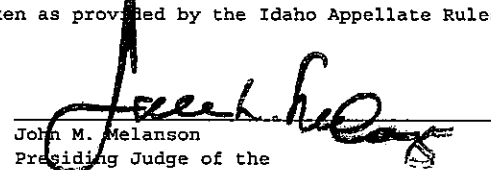
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic  
use and 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

2009 MAY 12 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): 47-04148

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 47-04148 was mailed  
on May 12, 2009, with sufficient first-class postage prepaid  
to the following:

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

CHERYL HERMAN  
JAMES F HERMAN  
2738 E 2400 N  
TWIN FALLS, ID 83301

JULIE MURPHY  
Chief Deputy Clerk