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DEPARTMENT OF
WATER RESOURCES

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

MAR 12 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

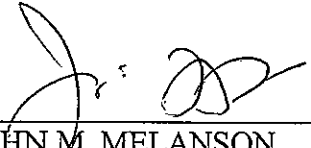
)
) Subcase No.: 75-10342
) (Simmons)
)
) ORDER OF PARTIAL DECREE
)
)

On January 11, 2007, the Idaho Department of Water Resources filed a *Director's Report, Basin 75, Part I, Reporting Area 23, for Irrigation and Other Water Rights*, which included a recommendation for the above-captioned water right. On January 12, 2009, the Idaho Department of Water Resources filed an *Amended Director's Report* notifying the Court of a change in the place of use element for the above-captioned water right. No objections were filed to the *Amended Director's Report* and the time for filing objections has now expired.

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

DATED

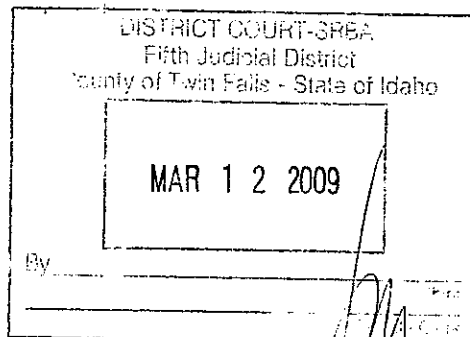
March 12, 2009



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-10342



NAME AND ADDRESS: BOYD K SIMMONS
PO BOX 207
CARMEN, ID 83462

MARRUE K SIMMONS
SIMMONS FAMILY TRUST
245 E THREE FOUNTAINS DR
PROVO, UT 84604

SOURCE: GROUND WATER

QUANTITY: 1.36 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
This right when combined with Right No. 75-14137 shall provide no more than 0.02 cfs per acre.

PRIORITY DATE: 04/01/1958

POINT OF DIVERSION: T23N R22E S31 NWSWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.36 CFS
	Stockwater	01-01 TO 12-31	170.00 AFY 0.05 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S31 LOT 13 (SWNE)14.0 LOT 13 (SENE) 3.0
LOT 13 (NESE)12.0 LOT 13 (NWSE)29.0
LOT 13 (SWSE)10.0
68.0 Acres Total

Stockwater Within Lemhi County
Same as Irrigation

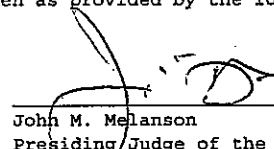
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

2009 MAR 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): 75-10342

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 75-10342 was mailed
on March 12, 2009, with sufficient first-class postage prepaid
to the following:

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

BOYD K SIMMONS
PO BOX 207
CARMEN, ID 83462
Phone: 208-756-3006

MARRUE K SIMMONS
SIMMONS FAMILY TRUST
245 E THREE FOUNTAINS DR
PROVO, UT 84604
Phone: 801-221-7644

JULIE MURPHY
Chief Deputy Clerk