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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

)
) **ORDER OF PARTIAL DECREE**
)
)
) **For water right: 29-13471**
)
)
)

On February 3, 2005, a *Special Master's Report and Recommendation* was issued for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired. The above-captioned water right was recommended with one of the Purposes of Use being Aesthetic, Recreation, or Wildlife ("ARW"). 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 Decree* for the above-captioned right.

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 right be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 12, 2009.


JOHN M. MELANSON

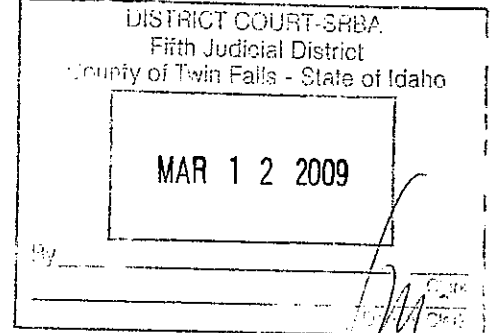
Presiding Judge

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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 29-13471



NAME AND ADDRESS: BRANDY WELLS
R SCOTT WELLS
1922 W PORTNEUF RD
INKOM, ID 83245-1606

SOURCE: INDIAN CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.271 CFS
3.00 AFY

PRIORITY DATE: 01/01/1956

POINT OF DIVERSION: T07S R36E S28 SENWNW Within Bannock County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	3.00 AFY
	Irrigation from Storage	04-01 TO 10-31	3.00 AFY
	Recreation Storage	01-01 TO 12-31	3.00 AFY
	Aesthetic Storage	01-01 TO 12-31	3.00 AFY
	Diversion to Storage	01-01 TO 12-31	0.271 CFS
	Aesthetic	01-01 TO 12-31	0.271 CFS

A VOLUME OF WATER IN ADDITION TO THE VOLUME DESCRIBED ABOVE
FOR IRRIGATION FROM STORAGE MAY BE DIVERTED AND USED IN A SINGLE
YEAR IF AT THE TIME OF REFILL SENIOR WATER RIGHTS ARE SATISFIED.

PLACE OF USE:	Irrigation Storage	Within Bannock County
	T07S R36E S28 NWNW	
	Irrigation from Storage	Within Bannock County
	T07S R36E S28 NWNW 14.0	
	14.0 Acres Total	
	Recreation Storage	Within Bannock County
	T07S R36E S28 NWNW	
	Aesthetic	Within Bannock County
	T07S R36E S28 NWNW	
	Aesthetic Storage	Within Bannock County
	T07S R36E S28 NWNW	

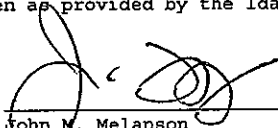
USE OF THIS RIGHT WITH RIGHT NO. 29-00604A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 15.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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 W. Melanson
Presiding Judge of the
Snake River Basin Adjudication

