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DEC 15 2008

Department of Water Resources
Adjudication Bureau

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

DEC 11 2008

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

Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

)
) Water Rights: See Attached Exhibit A
) (Smith)
)
) ORDER OF PARTIAL DECREES
)
)

On December 22, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 67, Reporting Area 19, for Irrigation and Other Water Rights*, which included recommendations for the above named water rights. No objections were filed and the time period for filing objections has expired.

On February 13, 2007, the Idaho Department of Water Resources filed an *Amended Notice of Completed Administrative Proceeding* and *Amended Director's Reports* notifying the Court of a substitution of party in each of the above named water rights. No objections were filed to the *Amended Director's Reports* and the time period for filing objections has expired.

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 December 11, 2008.

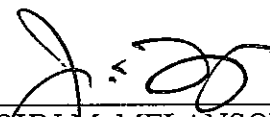

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A (KURT SMITH)

Subcase Nos:

67-00348D

67-00355D

67-00363F

67-04158

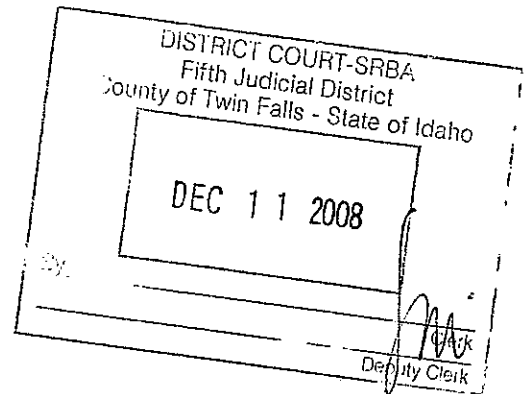
(Subcase list: KURTSMITH)
11/04/08

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 67-00348D



NAME AND ADDRESS: KURT SMITH
2483 ORCHARD
COUNCIL, ID 83612

SOURCE: MILL CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.13 CFS

The rights listed below are limited to a total combined
diversion rate of 0.52 cfs. Combined Right Nos.: 67-348D,
67-355D, 67-363F, and 67-4158.

PRIORITY DATE: 05/01/1878

POINT OF DIVERSION: T17N R01W S36 NESW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.13 CFS

PLACE OF USE: Irrigation Within Adams County
T17N R01W S36 NWSW 26.0
26.0 Acres Total

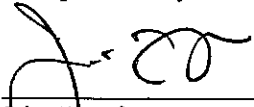
The rights listed below are limited to the irrigation of a
combined total of 26.0 acres in a single irrigation season.
Combined Right Nos.: 67-348D, 67-355D, 67-363F, and 67-4158.
This right is limited to the irrigation of 10.4 acres within the
place of use described above in a single irrigation season.

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.



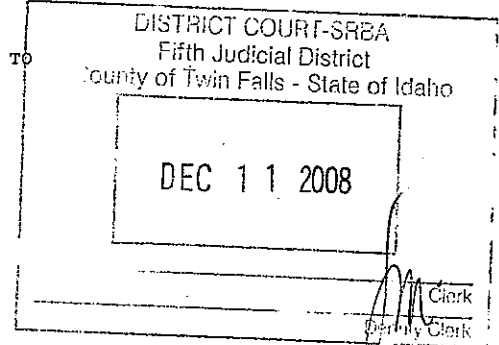
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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 67-00355D



NAME AND ADDRESS: KURT SMITH
2483 ORCHARD
COUNCIL, ID 83612

SOURCE: MILL CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.11 CFS

The rights listed below are limited to a total combined
diversion rate of 0.52 cfs. Combined Right Nos.: 67-348D,
67-355D, 67-363F, and 67-4158.

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION: T17N R01W S36 NESW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	07-01 TO 11-15	0.11 CFS

PLACE OF USE: Irrigation Within Adams County
T17N R01W S36 NWSW 26.0
26.0 Acres Total

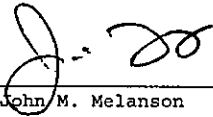
The rights listed below are limited to the irrigation of a
combined total of 26.0 acres in a single irrigation season.
Combined Right Nos.: 67-348D, 67-355D, 67-363F, and 67-4158.
This right is limited to the irrigation of 8.8 acres within the
place of use described above in a single irrigation season.

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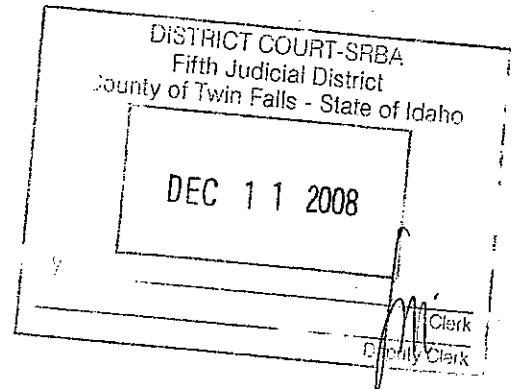
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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 67-00363F



NAME AND ADDRESS: KURT SMITH
2483 ORCHARD
COUNCIL, ID 83612

SOURCE: MILL CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.095 CFS

The rights listed below are limited to a total combined
diversion rate of 0.52 cfs. Combined Right Nos.: 67-348D,
67-355D, 67-363F, and 67-4158.

PRIORITY DATE: 05/01/1889

POINT OF DIVERSION: T17N R01W S36 NESW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	07-01 TO 11-15	0.095 CFS

PLACE OF USE: Irrigation Within Adams County
T17N R01W S36 NWSW 26.0
26.0 Acres Total

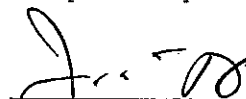
The rights listed below are limited to the irrigation of a
combined total of 26.0 acres in a single irrigation season.
Combined Right Nos.: 67-348D, 67-355D, 67-363F, and 67-4158.
This right is limited to the irrigation of 7.6 acres within the
place of use described above in a single irrigation season.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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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 67-04158

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

DEC 11 2008

NAME AND ADDRESS: KURT SMITH
2483 ORCHARD
COUNCIL, ID 83612

SOURCE: MILL CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.20 CFS

The rights listed below are limited to a total combined
diversion rate of 0.52 cfs. Combined Right Nos.: 67-348D,
67-355D, 67-363F, and 67-4158.

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION: T17N R01W S36 NESW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.20 CFS

PLACE OF USE: Irrigation Within Adams County
T17N R01W S36 NWSW 26.0
26.0 Acres Total

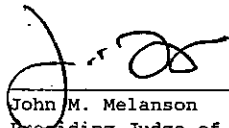
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Combined Right Nos.: 67-348D, 67-355D, 67-363F, and 67-4158.

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

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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 December 11, 2008, with sufficient first-class postage to the following:

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

KURT SMITH
2483 ORCHARD
COUNCIL, ID 83612
Phone: 208-368-2980