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DEC 05 2008

DEPARTMENT OF
WATER RESOURCES

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

DEC - 4 2008

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

ORDER OF PARTIAL DECREES

Subcases: See Attached Exhibit A
(Cole/Walling)

On September 30, 2008, a *Special Master's Report and Recommendation* was filed 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.

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 wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED December 4, 2008.

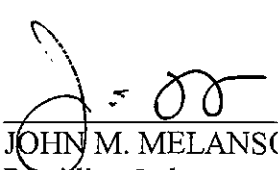

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A (COLE/WALLING)

Subcase Nos:

67-00383A

67-00383B

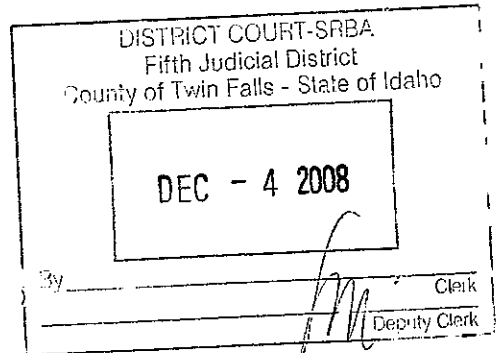
67-00384

67-00398

67-04065

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)
)
Water Right 67-00383A



NAME AND ADDRESS: DORA V COLE
LEE F COLE
2565 COUNCIL CUPRUM RD
COUNCIL, ID 83612-5009

SOURCE: HORNET CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.30 CFS

PRIORITY DATE: 06/30/1883

POINT OF DIVERSION: T17N R02W S15 SWNWSW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.30 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T17N R02W S15	NESW 1.3 NWSW 7.4
		SWSW 6.3 SESW 24.0
	39.0 Acres Total	

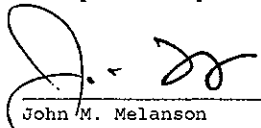
The rights listed below are limited to the irrigation of a combined total of 39.0 acres in a single irrigation season. Combined Right Nos.: 67-383A & 67-398. This right is limited to the irrigation of 24 acres within the place of use described above in a single irrigation season.

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 67-00383B

NAME AND ADDRESS:

LARRY D WALLING
PO BOX 356
COUNCIL, ID 83612

SOURCE:

HORNET CREEK TRIBUTARY: WEISER RIVER

QUANTITY:

0.83 CFS

PRIORITY DATE:

06/30/1883

POINT OF DIVERSION:

T17N R02W S15

SWNWSW Within Adams County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
03-15 TO 11-15

QUANTITY
0.83 CFS

PLACE OF USE:

Irrigation

Within Adams County

T17N R02W S15

SESW 1.6

SWSE 23.0

S22

NENE 13.0

NWNE 20.0

57.6 Acres Total

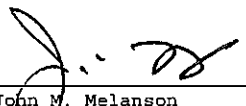
The rights listed below are limited to the irrigation of a
combined total of 57.6 acres in a single irrigation season.
Combined Right Nos.: 67-383B and 67-4065

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

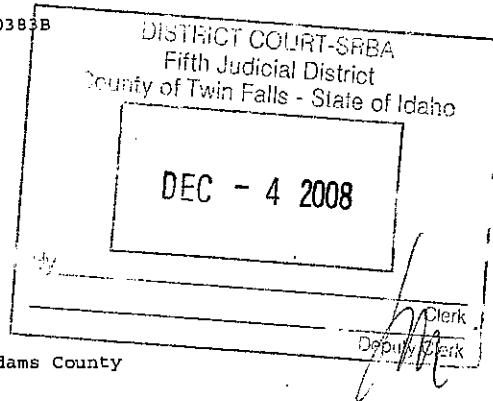
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 67-00384

NAME AND ADDRESS: LARRY D WALLING
PO BOX 356
COUNCIL, ID 83612

SOURCE: HANSON CREEK TRIBUTARY: HORNET CREEK

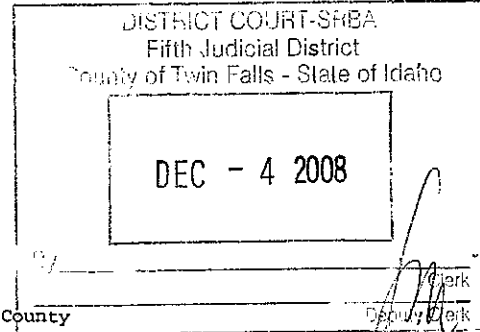
QUANTITY: 0.32 CFS

PRIORITY DATE: 05/01/1885

POINT OF DIVERSION: T17N R02W S22 SESENW Within Adams County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 0.32 CFS

PLACE OF USE: Irrigation Within Adams County
T17N R02W S22 NWNE 20.0
22.0 Acres Total NENW 2.0

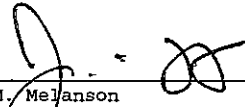


OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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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 67-00398

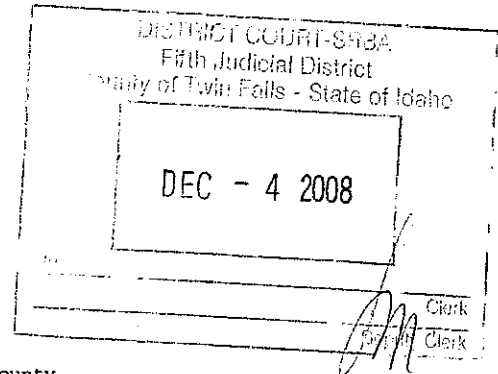
NAME AND ADDRESS: DORA V COLE
LEE F COLE
2565 COUNCIL CUPRUM RD
COUNCIL, ID 83612-5009

SOURCE: HORNET CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.32 CFS

PRIORITY DATE: 12/31/1891

POINT OF DIVERSION: T17N R02W S15 SWNSW Within Adams County



PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.32 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T17N R02W S15	NESW 1.3 SWSW 6.3 SESSE 24.0
	39.0 Acres Total	

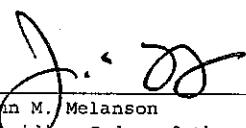
The rights listed below are limited to the irrigation of a combined total of 39.0 acres in a single irrigation season. Combined Right Nos.: 67-383A & 67-398. This right is limited to the irrigation of 25.6 acres within the place of use described above in a single irrigation season.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS 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).

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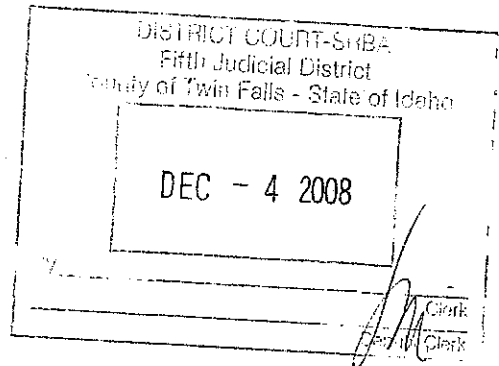

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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 67-04065



NAME AND ADDRESS: LARRY D WALLING
PO BOX 356
COUNCIL, ID 83612

SOURCE: HORNET CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.43 CFS

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION: T17N R02W S15 SWNSW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.43 CFS

PLACE OF USE:	Irrigation		Within Adams County
	T17N R02W S15	SESW 1.6	SWSE 23.0
	S22	NENE 13.0	NWNE 20.0
	57.6 Acres Total		

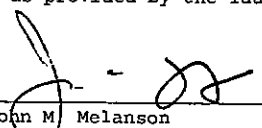
The rights listed below are limited to the irrigation of a combined total of 57.6 acres in a single irrigation season. Combined Right Nos.: 67-383B and 67-4065

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 04, 2008, with sufficient first-class postage to the following:

LARRY D WALLING

LARRY WALLING

Represented by:

JULIE K. FISCHER

5680 E FRANKLIN RD, STE 220

NAMPA, ID 83687

Phone: 208-475-2200

LARRY D WALLING

PO BOX 356

COUNCIL, ID 83612

Phone: 208-253-4726

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

DORA V COLE

LEE F COLE

2565 COUNCIL CUPRUM RD

COUNCIL, ID 83612-5009

Phone: 208-253-4857