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DEPARTMENT OF
WATER RESOURCES

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

OCT - 2 2008

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
(Dan & Mary F. Hearn)

On May 21, 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 October 2, 2008.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A (DAN & MARY F. HEARN)

Subcase Nos:

78-00182

78-12128

78-12162

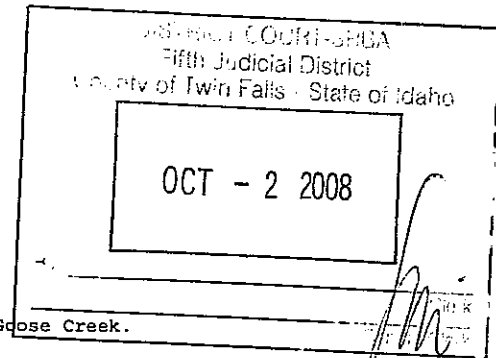
78-12165

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 78-00182



NAME AND ADDRESS:

DAN HEARN
MARY F HEARN
PO BOX 383
NEW MEADOWS, ID 83654

SOURCE:

GOOSE CREEK TRIBUTARY: LITTLE SALMON RIVER

Water is delivered from the West Branch of Goose Creek.

QUANTITY:

1.448 CFS

PRIORITY DATE:

05/01/1888

POINT OF DIVERSION:

T19N R02E S29 SENE Within Adams County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

Irrigation

04-01 TO 10-31

1.448 CFS

PLACE OF USE:

Irrigation

Within Adams County

T19N R01E S24

SWSE 0.2

SESE 0.9

S25

NENE 40.0

NWNE 39.0

SWNE 36.0

SENE 39.0

155.1 Acres Total

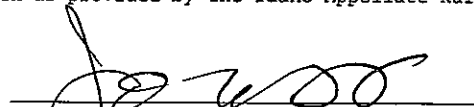
This right is limited to the irrigation of 90.5 acres within the
place of use described above in a single irrigation season.
The rights listed below are limited to the irrigation of a
combined total of 301.5 acres in a single irrigation season.
Combined Right Nos.: 78-182, 78-12128, 78-12162 and 78-12165

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.

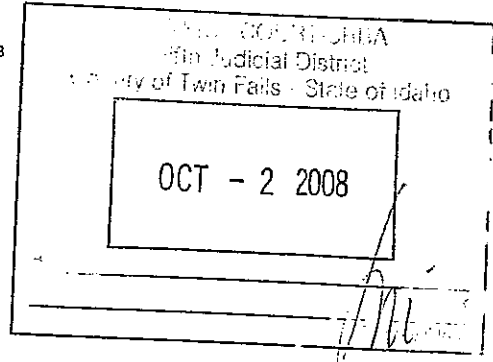

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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 78-12128



NAME AND ADDRESS: DAN HEARN
MARY F HEARN
PO BOX 383
NEW MEADOWS, ID 83654

SOURCE: CAMPBELL SWAMP TRIBUTARY: SINKS

QUANTITY: 3.00 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION: T19N R02E S29 SWNW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.00 CFS

PLACE OF USE:	Irrigation	Within Adams County
T19N R01E S24	NESW 5.0	SESW 5.5
	NESE 23.0	NWSE 35.0
	SWSE 40.0	SESE 39.0
S25	NENE 40.0	NWNE 39.0
	SWNE 36.0	SENE 39.0
301.5 Acres Total		

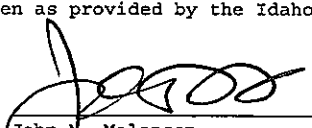
The rights listed below are limited to the irrigation of a
combined total of 301.5 acres in a single irrigation season.
Combined Right Nos.: 78-182, 78-12128, 78-12162 and 78-12165

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

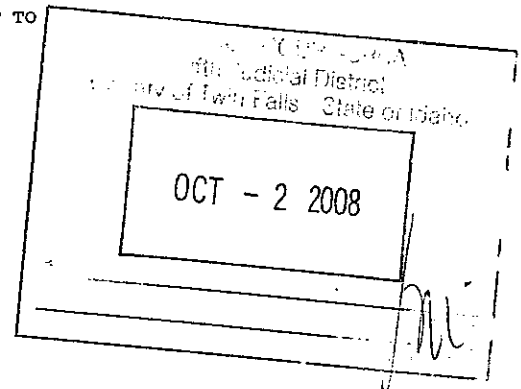
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment 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 N. 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 78-12162



NAME AND ADDRESS: DAN HEARN
MARY F HEARN
PO BOX 383
NEW MEADOWS, ID 83654

SOURCE: GOOSE CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.57 CFS

PRIORITY DATE: 05/01/1904

POINT OF DIVERSION: T19N R02E S29 SENE Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.57 CFS

PLACE OF USE:	Irrigation	Within Adams County
	T19N R01E S24	
	NESW 5.0	SESW 5.5
	NESE 23.0	NWSE 35.0
	SWSE 39.0	SESE 38.0
	145.5 Acres Total	

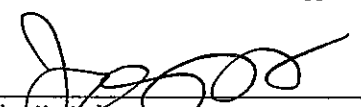
This right is limited to the irrigation of 35.6 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 301.5 acres in a single irrigation season. Combined Right Nos.: 78-182, 78-12128, 78-12162 and 78-12165

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

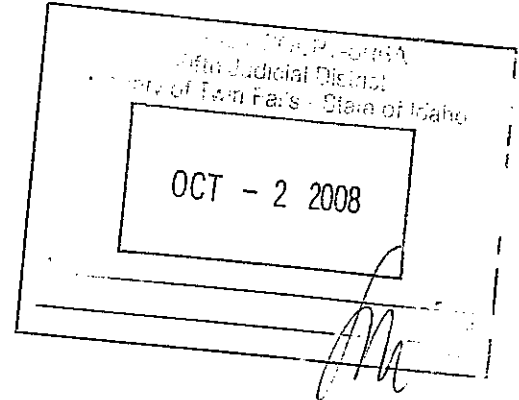
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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 78-12165



NAME AND ADDRESS: DAN HEARN
MARY F HEARN
PO BOX 383
NEW MEADOWS, ID 83654

SOURCE: GOOSE CREEK TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 6.03 CFS

PRIORITY DATE: 09/26/1922

Pursuant to a call in times of scarcity, this right is junior to
Water Right Nos. 78-2036, 78-2037, 78-2039, 78-2040A, 78-2040B,
78-2042 and 78-2056.

POINT OF DIVERSION: T19N R02E S29 SENE Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	6.03 CFS

PLACE OF USE:	Irrigation	Within Adams County	
	T19N R01E S24	NESW 5.0 NESE 23.0 SWSE 40.0 S25 NENE 40.0 SWNE 36.0	SESW 5.5 NWSE 35.0 SESE 39.0 NWNE 39.0 SENE 39.0
	301.5 Acres Total		

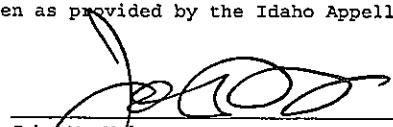
The rights listed below are limited to the irrigation of a
combined total of 301.5 acres in a single irrigation season.
Combined Right Nos.: 78-182, 78-12128, 78-12162 and 78-12165

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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RULE 54(b) CERTIFICATE

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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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on October 02, 2008, with sufficient first-class postage to the following:

DAN & MARY HEARN
DAN HEARN

Represented by:
ANDREW J WALDERA
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

DAN & MARY HEARN
DAN HEARN
MARY F HEARN

Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JENNIFER ELD
PO BOX 103
DONNELLY, ID 83615
Phone: 208-315-1080

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

BARBARA J CLANCY
2810 SOUTHSIDE BLVD
NAMPA, ID 83686
Phone: 208-315-1080

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.