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FEB 29 2008

DEPARTMENT OF
WATER RESOURCES

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

FEB 28 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 AMENDED PARTIAL DECREES

For Water Rights: 45-2428, 45-2485 & 45-4242

On May 1, 2006, this Court entered an *Order Granting Motion to Set Aside Partial Decrees with Conditions*. The matter was recommitted to the Idaho Department of Water Resources for the filing of amended director's reports. Amended director's reports were filed on October 20, 2006. Notice of the filing of the amended director's reports was pursuant to docket sheet. No objections were filed. Accordingly, the recommendations for water right claims 45-2428, 45-2485 & 45-4242 are uncontested and ready for entry of *Partial Decree*.

Therefore, IT IS ORDERED that the above-captioned water rights **45-2428, 45-2485 & 45-4242** are **decreed** as set forth in the attached *Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED

February 28, 2008

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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-02428

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
FEB 28 2008
By _____ _____ Clerk Deputy Clerk

NAME AND ADDRESS: DIANNE L SOMSEN
G FRANK SOMSEN
214 WESTSIDE DRIVE
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 1.30 CFS
320.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 3.98 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1728 AF. COMBINED RIGHT NOS. 45-2428,
45-2485 and 45-4242.

PRIORITY DATE: 12/15/1952

POINT OF DIVERSION: T09S R25E S28 SENENE Within Cassia County
SWSWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-15	1.30 CFS 320.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL AND AFTER OCTOBER 15 UNDER THIS REMARK IS
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR
LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A
PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Cassia County
	T09S R25E S28	NENE 35.0 NWNE 40.0 SWNE 40.0 SENE 40.0 NENW 39.0 NWNW 40.0 SWNW 38.0 SENW 40.0 NESE 40.0 SESE 40.0 S33 NENE 40.0
	432.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 432 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-2428, 45-2485 and 45-4242.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 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

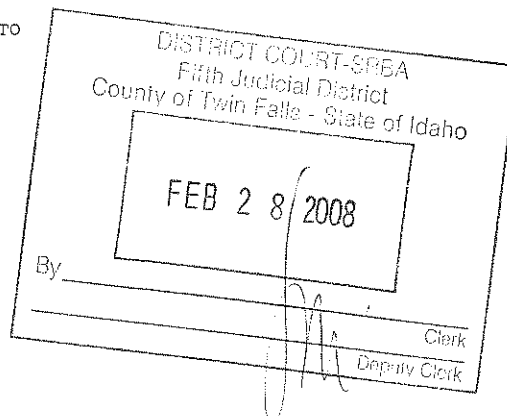
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 45-02485



NAME AND ADDRESS: DIANNE L SOMSEN
G FRANK SOMSEN
214 WESTSIDE DRIVE
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 2.68 CFS
640.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 3.98 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1728 AF. COMBINED RIGHT NOS. 45-2428,
45-2485 and 45-4242.

PRIORITY DATE: 11/08/1954

POINT OF DIVERSION: T09S R25E S28 SENENE Within Cassia County
SWSWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.68 CFS 640.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T09S R25E S28	NENE 35.0 NWNE 40.0 SWNE 40.0 SENE 40.0 NENW 39.0 NWNW 40.0 SWNW 38.0 SENW 40.0 NESE 40.0 SESE 40.0 NENE 40.0
	S33	
	432.0 Acres Total	

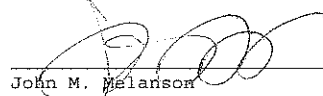
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 432 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-2428, 45-2485 and 45-4242.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.



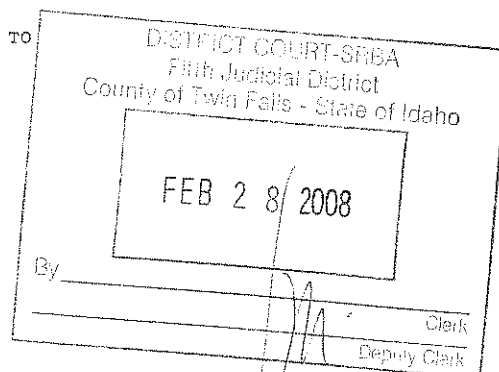
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
_____)

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 45-04242



NAME AND ADDRESS: DIANNE L SOMSEN
G FRANK SOMSEN
214 WESTSIDE DRIVE
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 1.84 CFS
800.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 3.98 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1728 AF. COMBINED RIGHT NOS. 45-2428,
45-2485 and 45-4242.

PRIORITY DATE: 06/01/1956

POINT OF DIVERSION: T09S R25E S28 SENENE Within Cassia County
SWSWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.84 CFS 800.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T09S R25E S28	NENE 35.0 NWNE 40.0 SWNE 40.0 SENE 40.0 NENW 39.0 NWNW 40.0 SOWN 38.0 SENW 40.0 NESE 40.0 SESE 40.0 S33 432.0 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 432 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-2428, 45-2485 and 45-4242.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 200 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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREES was mailed on February 28, 2008, with sufficient first-class postage to the following:

DIANNE L SOMSEN

Represented by:
WILLIAM T GOODMAN
717 - 7TH STREET
PO BOX D
RUPERT, ID 83350
Phone: 208-436-4774

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

G FRANK SOMSEN
214 WESTSIDE DRIVE
RUPERT, ID 83350
Phone: 208-436-3623