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DEPARTMENT OF
WATER RESOURCES

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

FEB 15 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 DECREE, *NUNC PRO TUNC*
For Water Right: 29-13407

The above-captioned water right is one of the thirty-four water rights that are subject to the *Portneuf River Settlement Agreement* filed on April 22, 2005, and the *Addendum Agreement* filed December 17, 2007. On February 10, 2006, a *Special Master's Report and Recommendation* was filed for the above-captioned water right in accordance with the *Portneuf River Settlement Agreement*. Thereafter *Partial Decrees* were issued for most but not all of the thirty-four water right claims. A *Partial Decree* had not yet been issued for the above-captioned water right claim. On March 23, 2006, a *Motion to Alter or Amend Order of Partial Decrees* was filed with respect to the *Portneuf River Settlement Agreement* and included all thirty-four claims. As a result, outstanding *Partial Decrees* subject to the *Agreement* were not issued. On December 17, 2007, this Court entered an *Order Dismissing Motion to Alter or Amend Partial Decrees and Amending Partial Decrees to Include Addendum Agreement to Prior Portneuf River Settlement Agreement* but overlooked issuing the remaining *Partial Decrees*. Therefore it is the intent of the Court to issue the *Partial Decrees nunc pro tunc* to December 17, 2007, to correct the oversight.

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)*. This *Order* is being entered *nunc pro tunc* to December 17, 2007.

DATED

February 15, 2008

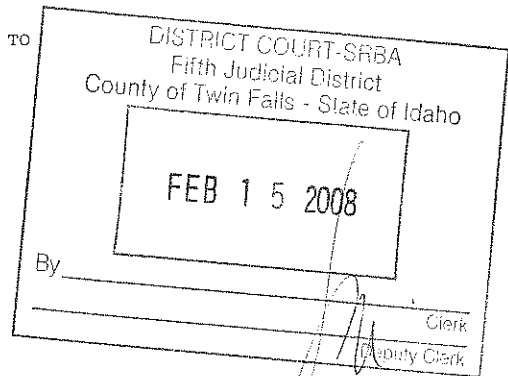
JOHN M. MELANSON

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 29-13407



NAME AND ADDRESS: BRETT CASPERSON
NANCY CASPERSON
8893 E MAUGHAN RD
LAVA HOT SPRINGS, ID 83246

SOURCE: DEMPSEY CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 2.40 CFS

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.4 CFS. COMBINED RIGHT NOS.: 29-10833,
29-13406 AND 29-13407.

PRIORITY DATE: 08/07/1932

POINT OF DIVERSION: T09S R38E S33 SENWNW Within Bannock County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.40 CFS
	Stockwater	04-01 TO 10-31	0.04 CFS

PLACE OF USE:	Irrigation	Within Bannock County
	T09S R38E S30	NWNE 2.7 SENE 33.0 NWSE 39.0 SESE 17.0
		SWNE 37.0 NESE 33.0 SWSE 18.0
	179.7 Acres Total	

Stockwater	Within Bannock County
Same as Irrigation	

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 120 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-10831, 29-10833 AND 29-13407.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 179.7 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-10831, 29-10833,
29-13406, 29-13407.

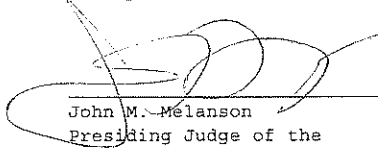
THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS SUBJECT
TO THE TERMS AND CONDITIONS OF THE PORTNEUF RIVER SETTLEMENT
AGREEMENT, BASIN 29: PORTNEUF RIVER FILED WITH THE SRBA DISTRICT
COURT APRIL 22, 2005, AND THE ADDENDUM TO THE AGREEMENT FILED
DECEMBER 17, 2007.

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 PARTIAL DECREE, NUNC PRO TUNC, FOR IRRIGATION DELIVERY ENTITY USING DIGITAL BOUNDARY DESCRIPTION was mailed on February 15, 2008, with sufficient first-class postage to the following:

MCCAMMON DITCH COMPANY

Represented by:
JAMES A. SPINNER
PO BOX 6009
POCATELLO, ID 83205
Phone: 208-232-4471

LAVA IRRIGATION COMPANY

Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

MARSH VALLEY DEVELOPMENT INC
PORTNEUF MARSH VALLEY CANAL CO

Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
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Phone: 208-232-6101

PORTNEUF IRRIGATING COMPANY

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DIRECTOR OF IDWR
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