

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

SEP 21 2007

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**

**WATER RIGHT NOS.: 37-04365,  
37-21573 and 37-21574**

On July 31, 2007, 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 Sept. 21, 2007.

  
\_\_\_\_\_  
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 37-04365

NAME AND ADDRESS: EUGENE P SWENSON  
MARILYN SWENSON  
STAR RT BOX 34  
BLISS, ID 83314

SOURCE: BIRCH CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.50 CFS

The quantity of water under this right for stockwater use shall  
not exceed 13,000 gallons per day.  
Right nos. 37-4365 and 37-4366 are limited to a total combined  
diversion rate of 0.50 cfs.

PRIORITY DATE: 03/15/1928

POINT OF DIVERSION: T06S R13E S35 SWSW Within Gooding County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.50 CFS |
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Irrigation Within Gooding County  
T06S R13E S34 LOT 4 (SWSE) 6.9  
6.9 Acres Total

Stockwater Within Gooding County  
Same as Irrigation

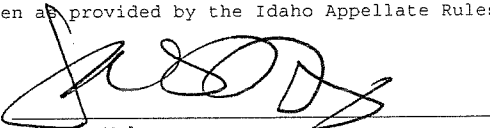
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

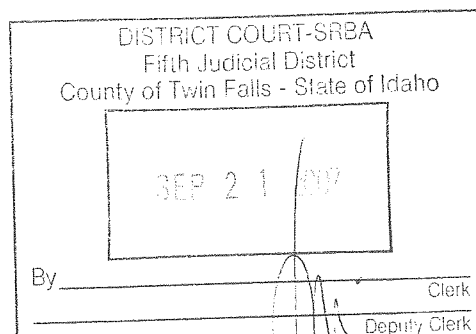
The quantity of water decreed for this water right for  
stockwater use is not a determination of historical beneficial  
use.

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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 37-21573

NAME AND ADDRESS: AMY RUTH JENSEN TESTAMENTARY  
TRUST  
C/O CLIFTON E JENSEN TRUSTEE  
PO BOX 201  
HAGERMAN, ID 83332

SOURCE: BIRCH CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.06 CFS

PRIORITY DATE: 04/15/1896

POINT OF DIVERSION: T06S R13E S34 LOT 3 (NENWSE) Within Gooding County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 2.06 CFS |
|                               | Stockwater     | 01-01 TO 12-31 | 0.03 CFS |

PLACE OF USE: Irrigation Within Gooding County  
T06S R13E S34 LOT 2 (SWNE) 40.0 LOT 3 (NESW) 35.0  
LOT 4 (SWSE) 8.0  
83.0 Acres Total

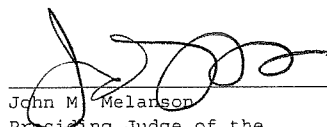
Stockwater Within Gooding County  
Same as Irrigation

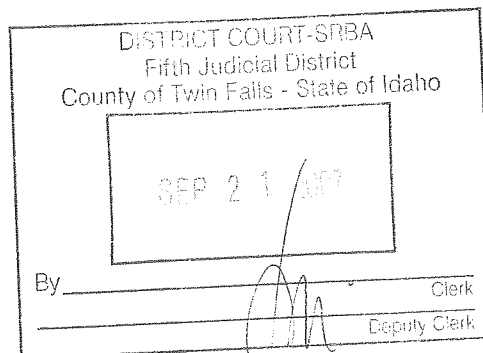
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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  
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In Re SRBA )  
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Case No. 39576 )  
 )  
 ) Water Right 37-21574

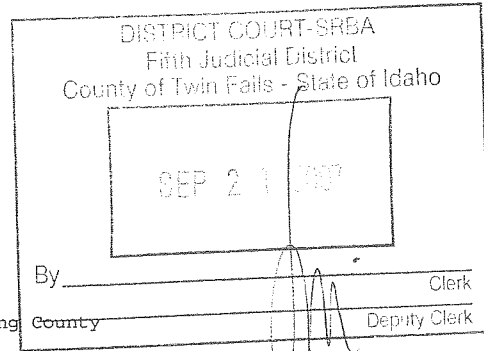
NAME AND ADDRESS: CLIFTON E JENSEN  
SUZANNE K JENSEN  
PO BOX 201  
HAGERMAN, ID 83332

SOURCE: BIRCH CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.18 CFS

PRIORITY DATE: 04/15/1896

POINT OF DIVERSION: T06S R13E S34 LOT 3 (NENWSE) Within Gooding



| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 03-15 TO 11-15 | 0.18 CFS |
|                            | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Irrigation Within Gooding County  
T06S R13E S34 LOT 4 (SWSE) 7.0  
7.0 Acres Total

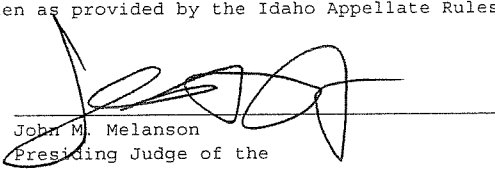
Stockwater Within Gooding County  
Same as Irrigation

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

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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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on September 21, 2007, with sufficient first-class postage to the following:

AMY RUTH JENSEN TESTAMENTARY  
TRUST  
C/O CLIFTON E JENSEN TRUSTEE  
PO BOX 201  
HAGERMAN, ID 83332  
Phone: 208-837-6116

CLIFTON E JENSEN  
SUZANNE K JENSEN  
PO BOX 201  
HAGERMAN, ID 83332  
Phone: 208-837-6179

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

EUGENE P SWENSON  
MARILYN SWENSON  
STAR RT BOX 34  
BLISS, ID 83314  
Phone: 208-837-6144

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