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Department of Water Resources

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

JUL 7 2005

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

) For Water Right: 29-02178

On May 16, 2005, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. 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 Recommendation* and wholly adopts them as its own.

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)*.

DATED July 7, 2005.

John M. Melanson
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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 29-02178

NAME AND ADDRESS: DONNA RAE VAUGHAN
3459 WOODLAND RD
DOWNEY, ID 83234

SOURCE: ASPEN CREEK TRIBUTARY: MARSH CREEK
SPRING TRIBUTARY: MARSH CREEK

QUANTITY: 0.67 CFS

PRIORITY DATE: 04/13/1914

POINT OF DIVERSION: T12S R37E S08 NESESW Within Bannock County
SESESW
NENW

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	0.67 CFS
Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:

		Within Bannock County
Irrigation		
T12S R37E S05	SESW 6.0	
S08	NWNE 1.0	NENW 25.0
	SESW 21.0	NESW 20.0
	SESW 10.0	
83.0 Acres Total		

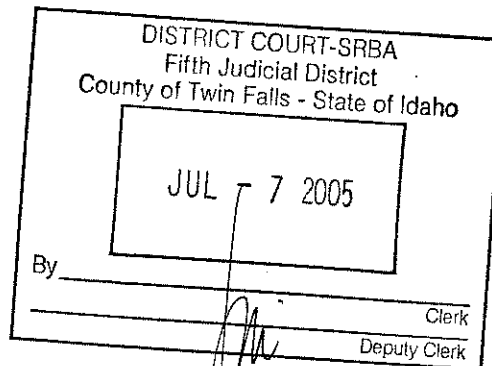
Stockwater Within Bannock County
Same as Irrigation

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00348A, 29-02178
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

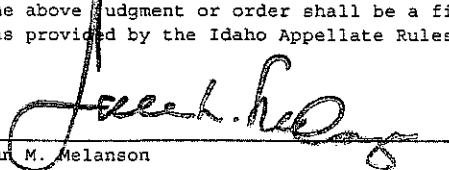
THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO
SUBJECT TO THE TERMS AND CONDITIONS OF THE FOLLOWING CONTRACTUAL
AGREEMENT: WATER RIGHTS SETTLEMENT AGREEMENT ENTERED INTO ON
JANUARY 26, 2005, BETWEEN KENT JENSEN, ATTORNEY-IN-FACT, ON
BEHALF OF IVA LOU JENSEN, LAUNA MAYNARD (A.K.A. LONNA MAYNARD),
ATTORNEY-IN-FACT ON BEHALF OF HELEN JENSEN, GERALDINE B. MCNEE,
DONNA RAE VAUGHAN, DAVID B. HARTVIGSEN, ATTORNEY-IN-FACT ON
BEHALF OF THE REED & DORIS HARTVIGSEN FAMILY TRUST, AND DAVID
HARTVIGSEN, ATTORNEY-IN-FACT ON BEHALF OF RICHARD N. HARTVIGSEN
FILED OF RECORD IN THE OFFICE OF THE BANNOCK COUNTY RECORDER ON
JANUARY 31, 2005, AS INSTRUMENT NO. 861; THE PROVISION OF SUCH
AGREEMENT TO APPLY FULLY TO THIS WATER RIGHT NOTWITHSTANDING THE
FACT THAT THE WATER RIGHT ELEMENTS IN THE AGREEMENT MAY DIFFER
FROM THOSE SPECIFIED HEREIN.

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).

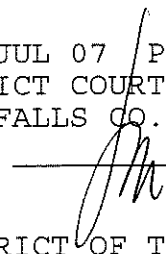


RULE 54(b) CERTIFICATE

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

2005 JUL 07 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 29-02178

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 29-02178 was mailed
on July 07, 2005, with sufficient first-class postage prepaid
to the following:

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

REED & DORIS HARTVIGSEN
RICHARD N HARTVIGSEN
Represented by:
D. SCOTT CROOK
SMITH HARTVIGSEN PLLC
215 S STATE STREET, STE 650
SALT LAKE CITY, UT 84111

DONNA RAE VAUGHAN
3459 WOODLAND RD
DOWNEY, ID 83234
Phone: 208-897-5106

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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07/07/05

