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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: 29-02177

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
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 29-02177

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

JUL - 7 2005

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: GERALDINE B MC NEE
3214 E WOODLAND RD
DOWNEY, ID 83234

SOURCE: ASPEN CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 0.50 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.60 CFS. COMBINED RIGHT NOS.:
29-02325A, 29-02177

PRIORITY DATE: 04/13/1914

POINT OF DIVERSION: T12S R37E S08 SESW Within Bannock County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.50 CFS

PLACE OF USE:	Irrigation	Within Bannock County
	T12S R37E S05 NESW 22.0	SESW 8.0
	30.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 30 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-02325A, 29-02177
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 25 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

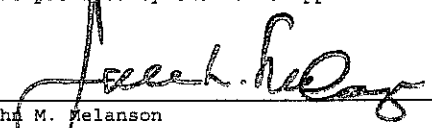
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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): 29-02177

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 29-02177 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

GERALDINE B MC NEE
3214 E WOODLAND RD
DOWNEY, ID 83234
Phone: 208-897-5767

JULIE MURPHY
Chief Deputy Clerk

