

2005 JAN 31 PM 4:26
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

Case No. 39576

) ORDER OF PARTIAL DECREE
)
)
)
)
)
)

SUBCASES: 23-00106B & 23-10857

On December 7, 2004, 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 January 31, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 23-00106B

2005 JAN 31 PM 4:26
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *[Signature]*

NAME AND ADDRESS: CAROL E ASHMENT
THERON R ASHMENT
639 CHAPEL RD
PO BOX 205
IRWIN, ID 83428

SOURCE: PALISADES CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.80 CFS

THIS WATER RIGHT IS INOPERATIVE AT TIMES WHEN THE AMOUNT OF
WATER IN PALISADES CREEK IS INSUFFICIENT TO FILL ALL OF THE
VALID WATER RIGHTS ON PALISADES CREEK AS DETERMINED BY
PRIORITIES BEING FILLED ON THE SOUTH FORK SNAKE RIVER.
USE OF THIS RIGHT WITH RIGHT NO. 23-10857 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 10.2 CFS.

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION: T01N R44E S26 SWSWSE Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.80 CFS

PLACE OF USE:	Irrigation	Within Bonneville County
	T01N R44E S08	NESW 36.0 SWSW 32.0 NWSE 26.0
		NWSW 40.0 SESW 38.0 SWSE 25.0
	197.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 23-10857 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 197.0 ACRES 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.

[Signature]
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)
_____)

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

Water Right 23-10857

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TWIN FALLS CO. IDAHO
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NAME AND ADDRESS: CAROL E ASHMENT
THERON R ASHMENT
639 CHAPEL RD
PO BOX 205
IRWIN, ID 83428

SOURCE: PALISADES CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 6.40 CFS

USE OF THIS RIGHT WITH RIGHT NO. 23-00106B IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 10.2 CFS.

PRIORITY DATE: 06/01/1898

POINT OF DIVERSION: T01N R44E S26 SWSWSE Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	6.40 CFS

PLACE OF USE:	Irrigation	Within Bonneville County
	T01N R44E S08	NESW 36.0 SWSW 32.0 NWSE 26.0
		NWSW 40.0 SESW 38.0 SWSE 25.0
	197.0 Acres Total	

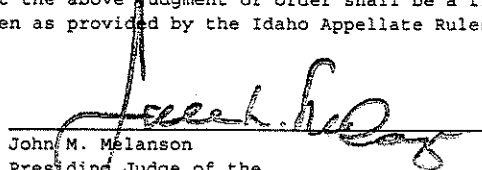
USE OF THIS RIGHT WITH RIGHT NO. 23-00106B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 197.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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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 DECREE was mailed on January 31, 2005, with sufficient first-class postage to the following:

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

CAROL E ASHMENT
THERON R ASHMENT
639 CHAPEL RD
PO BOX 205
IRWIN, ID 83428
Phone: 208-483-3823

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".