

2004 NOV -3 AM 11:50
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

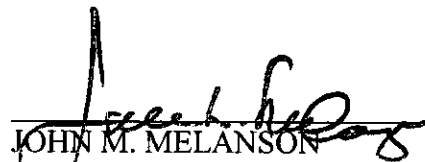
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right: 29-07402
	)	
_____	)	

On September 23, 2004, a *Special Master's Report and Recommendation* was filed for water right 29-07402. 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 water right 29-07402 be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 3, 2004.

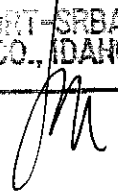

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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 29-07402

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 

NAME AND ADDRESS: PATRICIA AVERY
WAYNE AVERY
8888 SUNNYSIDE RD
LAVA HOT SPRINGS, ID 83246

SOURCE: SPRINGS TRIBUTARY: SINKS
UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.03 CFS
1.40 AFY

USE OF THIS RIGHT WITH RIGHT NO. 29-2261 FOR DOMESTIC
PURPOSES IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.03
CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1.2 AF.

PRIORITY DATE: 05/24/1977

POINT OF DIVERSION: T09S R38E S08 SWNWSW Within Bannock County
S18 NENENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
			0.02 AFY
	Domestic	01-01 TO 12-31	0.03 CFS
			1.20 AFY

DOMESTIC USE OF THIS RIGHT AND RIGHT NO. 29-2261 IS LIMITED
TO 2 HOMES.

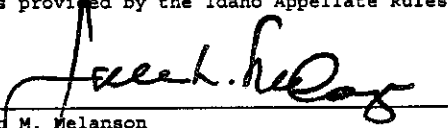
PLACE OF USE:	Stockwater		Within Bannock County
	T09S R38E S17	NESW	
	Domestic		Within Bannock County
	T09S R38E S17	NESW	

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

2004 NOV 03 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): 29-07402

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 29-07402 was mailed
on November 03, 2004, with sufficient first-class postage prepaid
to the following:

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

PATRICIA AVERY
WAYNE & PATRICIA AVERY
WAYNE AVERY
8888 SUNNYSIDE RD
LAVA HOT SPRINGS, ID 83246
Phone: 208-776-5628

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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11/03/04