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DEPARTMENT OF
WATER RESOURCES

2004 JUL 29 AM 8:53

TWIN FALLS CO., IDAHO
FILED *jm*

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: 35-13305

On June 8, 2004, a *Special Master's Report and Recommendation* was filed for water right 35-13305. 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 35-13305 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 29, 2004.

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 35-13305

2004 JUL 29 AM 8:53

SIXTH DISTRICT-SRBA
TWIN FALLS CO., IDAHO
FILED *JM*

NAME AND ADDRESS: BRENDA K STOLWORTHY
1230 N 375 E
SHELLEY, ID 83274

SOURCE: GROUND WATER

QUANTITY: 8.65 CFS
1856.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 9.62 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 2092 AF. COMBINED RIGHT NOS.: 35-7000B,
35-7368B, 35-7493 AND 35-13305.

PRIORITY DATE: 08/16/1961

POINT OF DIVERSION: T01N R36E S34 NWSENE Within Bingham County
NENWNW
NWSESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	8.65 CFS 1856.00 AFY

PLACE OF USE:	Irrigation		Within Bingham County
	T01N R36E S27	NESW 4.0	NWSW 4.0
		SWSW 36.0	SESW 40.0
		NWSE 3.0	SWSE 37.0
	S33	NENE 1.0	SENE 1.0
	S34	NENE 27.0	NWNE 39.0
		SWNE 35.0	SENE 33.0
		NENW 40.0	NWNW 37.0
		SWNW 32.0	SENW 36.0
		NESW 34.0	NWSW 24.0
		SWSW 28.0	SESW 32.0
	523.0 Acres Total		

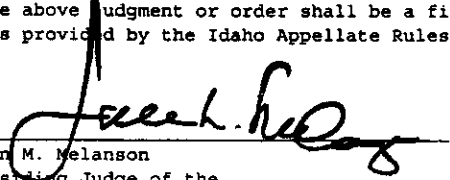
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 523 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 35-7000B, 35-7368B, 35-7493 AND 35-13305
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 463.9 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION 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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2004 JUL 29 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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-13305

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 35-13305 was mailed
on July 29, 2004, with sufficient first-class postage prepaid
to the following:

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

BRENDA K STOLWORTHY
BRENDA STOLWORTHY
Represented by:
TERESA L. STURM
PO BOX 51219
428 PARK AVENUE
IDAHO FALLS, ID 83405-1219
Phone: 208-523-4445

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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07/29/04