

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2004 MAR 30 AM 8 11

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

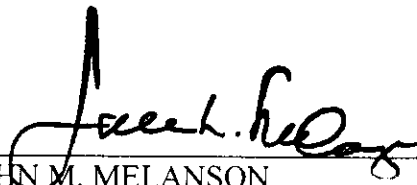
Case No. 39576

) ORDER OF PARTIAL DECREE
)
) For Water Rights: See Exhibit A
) (Basin 29 Enlargement Claims)
)

On January 14, 2004, the Idaho Department of Water Resources filed an *Amended Director's Report* for water rights listed on attached Exhibit A, to include a subordination remark pertaining to "enlargement claims", brought pursuant to I.C. § 42-1426. A deadline for *Objections* to the *Amended Director's Report* was set for 5:00 p.m. on February 27, 2004. A deadline for *Responses* to the *Objections* was set for 5:00 p.m. of March 15, 2004. No Challenges were filed to the *Amended Director's Report* and the time for filing Challenges has now expired.

Therefore, IT IS ORDERED that water rights listed on attached Exhibit A be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 30, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

29-10065
29-10176
29-10449
29-13251
29-13327
29-13408
29-13421
29-13428
29-13429
29-13482

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on March 30, 2004, with sufficient first-class postage to the following:

RONNIE D TILLOTSON
SHERRIL TILLOTSON
PO BOX 261
LAVA HOT SPRINGS, ID 83246
Phone: 208-776-5267

ARKANSAS RANCHES INC
8450 S BOB SMITH RD
LAVA HOT SPRINGS, ID 83246
Phone: 208-776-5898

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

WAYNE C PERKINS
13825 N 7TH ST STE M
PHOENIX, AZ 85022
Phone: 602-993-0940

STODDARD FARMS OF GRACE
2004 TWO MILE RD
GRACE, ID 83241
Phone: 208-425-3645

ADA K SMITH
ALAN SMITH
2620 KELLY TOPONCE RD
BANCROFT, ID 83217
Phone: 208-648-7775

CRANDALL FARMS INC
2919 HANSEN RD
BANCROFT, ID 83217
Phone: 208-648-7301

VERNON D MAYER
770 FILLMORE ST
AMERICAN FALLS, ID 83211
Phone: 208-226-2128

DEAN SMITH
826 WOOD RD
BANCROFT, ID 83217
Phone: 208-648-7330

NORMAN W FRANK
WANDA J FRANK
835 W 100 S
BLACKFOOT, ID 83221
Phone: 208-684-3877

ORDER

Page 1 3/30/04

FILE COPY FOR 00338

Deputy Clerk

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".

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 29-13408

NAME AND ADDRESS: ADA K SMITH
ALAN SMITH
2620 KELLY TOPONCE RD
BANCROFT, ID 83217

SOURCE: GROUND WATER

QUANTITY: 2.84 CFS
511.00 AFY

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.84 CFS. COMBINED RIGHT NOS.: 29-2524 AND
29-13408.

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 967 AF. COMBINED RIGHT NOS.: 29-2524
AND 29-13408.

PRIORITY DATE: 04/01/1974

POINT OF DIVERSION: T07S R38E S24 SWSWNE Within Caribou County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.84 CFS 511.00 AFY

PLACE OF USE:	Irrigation	Within Caribou County
	T07S R38E S23	SWNE 32.0 SENE 40.0
		NESE 40.0 NWSE 32.0
	S24	SWNW 40.0 SENW 40.0
		NESW 34.0 NWSW 39.0
	297.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 297 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-2524, 29-127, 29-128 AND 29-13408.

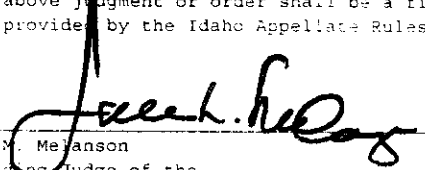
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 29-2524
PURSUANT TO SECTION 42-1416, IDAHO CODE.

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