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Department of Water Resources

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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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 Rights: 29-4064A, 29-4064B, 29-4064C, |
| _____          | ) | 29-4064D, 29-4067 and 29-10010                  |

I.  
PROCEDURAL BACKGROUND

A. The above-captioned water rights were originally subject to Bannock County Case *Smith Scofield*, Civil Case No. 40869A, which was subsequently incorporated into the SRBA.

B. A *Final Partial Decree* for the water rights subject to *Smith* was issued November 4, 1992, resolving all outstanding issues.

C. On July 11, 2003, the Director of the Idaho Department of Water Resources filed with the SRBA District Court the *Director's Report for Irrigation and Other Uses, Reporting Area 9, IDWR Basin 29*, which included a recommendation for the above-captioned rights based on the November 4, 1992, *Final Partial Decree*. The purpose of the recommendation was to allow for objections by parties to the adjudication not previously parties to *Smith*.

D. No objections were filed to the recommendation and the time for filing objections has expired.

E. On March 16, 2004, the SRBA District Court held a hearing on the uncontested portions of the *Director's Report for Irrigation and Other Uses, Reporting Area 9, IDWR Basin 29*, in accordance with I.C. § 42-1412. No party appeared in opposition, nor did IDWR indicate that any of the unobjected-to rights may be affected by a pending contested matter.

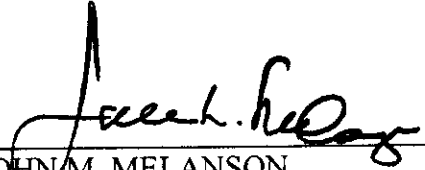
## II. ORDER

THEREFORE, IT IS ORDERED AND ADJUDGED that water rights 29-4064A, 29-4064B, 29-4064C, 29-4064D, 29-4067 and 29-10010 be decreed with the elements as set forth in the attached *Partial Decree Pursuant to I.R.C.P 54(b)*.

### 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.

DATED March 23, 2004.

  
\_\_\_\_\_  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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DEPARTMENT OF WATER RESOURCES  
TWIN FALLS, IDAHO

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