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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2004 MAR 23 PM 3 36

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.

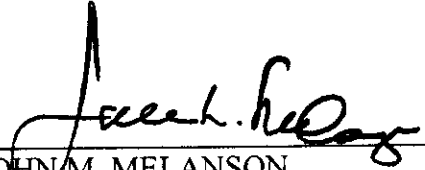
II. ORDER

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

RECEIVED

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
Department of Water Resources
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 29-04064A

2004 MAR 23 PM 3 36

NAME AND ADDRESS: CARMA B SMITH
5137 W PORTNEUF RD
INKOM, ID 83245

SOURCE: PAPOOSE CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.018 CFS

PRIORITY DATE: 05/02/1927

POINT OF DIVERSION: T07S R35E S26 NENWNE Within Bannock County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 0.018 CFS

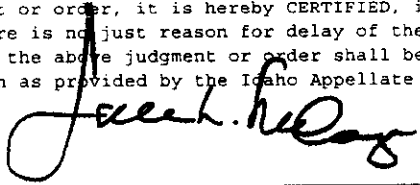
PLACE OF USE: Irrigation Within Bannock County
T07S R35E S23 SESE 0.9
0.9 Acres Total

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