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JAN 12 2004

Department of Water Resources

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

2004 JAN 9 PM 2 40

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

Water Right 35-00038D

On January 29, 1999, the Idaho Department of Water Resources filed its *Director's Report for Irrigation and Other Rights, Part III, Reporting Area 5, IDWR Basin 35*, recommending the elements for water right 35-00038D. No Objections were filed to this *Director's Report* and the time for filing Objections has now expired.

Although the Court Register of Action indicates that a *Partial Decree* was issued on November 17, 2000, no such decree can be located, either on file with the Court or with the IDWR Document Repository. The Court finds that said *Partial Decree* was never issued for the above-captioned right. The *Partial Decree* issued contemporaneously with this Order is consistent with the uncontested Director's Recommendation issued for the right.

Therefore, IT IS ORDERED that water right 35-00038D be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 9, 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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2004 JAN 9 PM 2 40

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-00038D

NAME AND ADDRESS: LYNN PARSONS
2254 W 1000 S
STERLING, ID 83210

STEVE PARSONS
953 S 2150 W
STERLING, ID 83210

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER

QUANTITY: 2.16 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-00038C IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.40 CFS.

PRIORITY DATE: 04/30/1885

POINT OF DIVERSION: T04S R32E S21 NWNESE Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.16 CFS

PLACE OF USE:	Irrigation	Within Bingham County
	T04S R32E S21	NESE 26.0 NWSE 27.0 SESE 11.0
	S22	SWSE 34.0
	S28	NWSW 4.0 NWNE 18.0
	120.0 Acres Total	

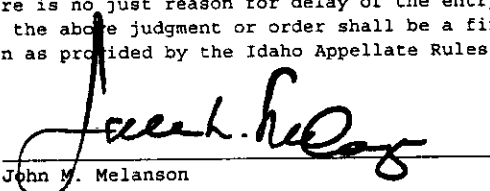
USE OF THIS RIGHT WITH RIGHT NO. 35-00038C IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 120 ACRES IN A SINGLE
IRRIGATION SEASON.

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 JAN 09 PM 02:00
DISTRICT COURT - SRBA
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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)
)
Case No. 39576)
_____)_____

CERTIFICATE OF MAILING

Water Right(s): 35-00038D

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 35-00038D was mailed
on January 09, 2004, with sufficient first-class postage prepaid
to the following:

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

LYNN PARSONS
2254 W 1000 S
STERLING, ID 83210
Phone: 208-328-2419

STEVE PARSONS
953 S 2150 W
STERLING, ID 83210
Phone: 208-328-2419

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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01/09/04