2002 Mar 4 PM 2:00
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** | ) | |
| | ) | **ORDER OF PARTIAL DECREE** |
| **Case No. 39576** | ) | |
| | ) | **For Water Right 35-07444** |

On November 30, 2001, a ***Special Master's Report and Recommendation*** was filed for the above water right. 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 wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-07444 is hereby **decreed** as set forth in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b)***.

DATED March 4, 2002.

Roger Burdick

ROGER S. BURDICK
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
Fifth Judicial District
County of Twin Falls - State of Idaho
MAR 0 4 2002
By_____ Clerk
_____ Deputy Clerk

In Re SRBA )
)
Case No. 39576 )
_____)

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR

Water Right 35-07444

NAME AND ADDRESS: DELOY WARD
VIOLA J WARD
1305 S 2ND E
REXBURG, ID 83440

SOURCE: GROUNDWATER

QUANTITY: 4.00 CFS
1260.00 AFY

PRIORITY DATE: 09/30/1974

POINT OF DIVERSION: T01S R32E S35 SENW Within Bingham County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|---|---|---|
| Irrigation | 04-01 TO 10-31 | 4.00 CFS<br>1260.00 AFY |

PLACE OF USE: Irrigation

| | | |
|---|---|---|
| T01S R32E S35 | NENW 39.0 | NWNW 39.0 |
| | SWNW 39.0 | SENW 40.0 |
| | NESW 40.0 | NWSW 39.0 |
| | SWSW 39.0 | SESW 40.0 |

315.0 Acres Total

Within Bingham County

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.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 MAR 04 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 ) | CERTIFICATE OF MAILING |
| ) | |
| Case No. 39576 ) | |
| ) | Water Right(s): 35-07444 |

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 35-07444 was mailed on March 04, 2002, with sufficient first-class postage prepaid to the following:

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

C & L FARMS
DEL RAY HOLM
HOLM BROS. PARTNERSHIP, HOLM
R & M FARMS PARTNERSHIP
THEODORE L DEFFINGER
Represented by:
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215 FARNSWORTH WAY
PO BOX 36
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Phone: 208-745-6653

ABERDEEN-AMERICAN FALLS
BINGHAM GROUND WATER DISTRICT
DELOY WARD
UPPER VALLEY IRRIGATORS ASSOC.
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FREMONT MADISON IRRIG. DIST.
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DIANA DELANEY
Chief Deputy Clerk