

RECEIVED

OCT 31 2001

Department of Water Resources

2001 OCT 29 PM 4: 54

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 201

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 Right 67-04417

On May 29, 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 67-04417 is hereby **decreeed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED October 29, 2001.



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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 67-04417

2001 OCT 29 PM 4:54
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED RA

NAME AND ADDRESS: JAMES C AMSTUTZ
4685 BEACON AVE
EMMETT, ID 83617

SOURCE: UNNAMED STREAMS TRIBUTARY: NORTH CRANE CREEK
NORTH CRANE CREEK CRANE CREEK
SHIRTS CREEK NORTH CRANE CREEK

QUANTITY: 0.14 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1870

POINT OF DIVERSION: T12N R01W S04 SWNE (Instream Beginning Point) Within Washington County
SWNE (Instream Beginning Point)
LOT 04 (NWNW) (Instream Beginning Point)
LOT 04 (NWNW) (Instream Beginning Point)
SENE (Instream Ending Point)
SESE (Instream Beginning Point)
SESE (Instream Ending Point)
S05 SENE (Instream Ending Point)
SESE (Instream Beginning Point)
S08 NESE (Instream Beginning Point)
NESE (Instream Ending Point)
S09 SENW (Instream Beginning Point)
NWSW (Instream Beginning Point)
SESW (Instream Ending Point)
SESW (Instream Beginning Point)
NWSE (Instream Beginning Point)
S10 SWNE (Instream Beginning Point)
NENW (Instream Ending Point)
NENW (Instream Ending Point)
NWNW (Instream Beginning Point)
NWNW (Instream Ending Point)
NWSE (Instream Beginning Point)
S15 NWSW (Instream Beginning Point)
S16 NENE (Instream Beginning Point)
SENE (Instream Beginning Point)
NESE (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.14 CFS

PLACE OF USE:	Stockwater	Within Washington County
	T12N R01W S04	LOT 04 (NWNW)
	SWNE	SENE
	SWNW	SESE
	NWSW	NWNE
	SESW	SENE
	SESE	SNNW
	S05 LOT 01 (NENE)	
	NESE	
	S08 NESE	
	S09 NENE	
	SWNE	
	NWNW	

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	SENW	NWSW
	SESW	NWSE
	SESE	
S10	NWNE	SWNE
	NENW	NWNW
	SENW	NESW
	NWSW	SWSW
	NWSE	
S15	NWNW	SWNW
	NWSW	
S16	NENE	SENE
	NESE	

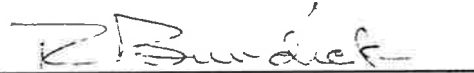
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT
A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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
Presiding Judge of the
Snake River Basin Adjudication

2001 OCT 29 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): 67-04417

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 67-04417 was mailed
on October 29, 2001, with sufficient first-class postage prepaid
to the following:

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

JAMES C AMSTUTZ
Represented by:
LARY C WALKER
PO BOX 828
232 E MAIN STREET
WEISER, ID 83672
Phone: 208-549-0390

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

ROBBIN GLATZ
Chief Deputy Clerk