

RECEIVED
AUG 31 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 30 2011	
By _____	Clerk
_____	Deputy Clerk

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	)	Subcase No. 77-04089A
	)	(Walters)
_____	)	

On July 6, 2011, a *Special Master's Report and Recommendation* was filed for the above-captioned 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 Recommendation* and wholly adopts them as its own.

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

DATED August 30, 2011.



ERIC J. WILDMAN
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 77-04089A

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 30 2011

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS:

KENNETH R WALTERS
TAMMIE WALTERS
PO BOX 31
RIGGINS, ID 83549

SOURCE:

SHORTS CREEK TRIBUTARY: SALMON RIVER

QUANTITY:

1.67 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
Right Numbers 77-4089A and 77-4219A are limited to a total combined diversion/rediversion rate of 1.67 cfs at the point of diversion/point of rediversion from Shorts Creek in T24N, R01E, S23, NENE.

PRIORITY DATE:

09/01/1925

POINT OF DIVERSION:

T24N R01E S23 NENE Within Idaho County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	02-15 TO 11-30	1.67 CFS
Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:

PLACE OF USE	QUANTITY
Irrigation	Within Idaho County
T24N R01E S13	SWNW 7.9 NWSW 3.4
S14	SWNE 0.7 SENE 4.9
	NESE 21.6 NWSE 13.9
	SWSE 4.2 LOT 14 (SWSE) 1.6
	SESE 0.9 LOT 13 (SESE) 0.7
59.8 Acres Total	

Stockwater Within Idaho County
Same as Irrigation

Right Numbers 77-4089A and 77-4219A are limited to the irrigation of a combined total of 59.8 acres in a single irrigation season.
Place of use does not include federal public lands.

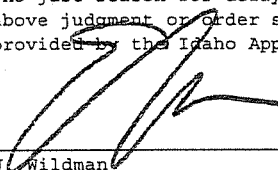
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use 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.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

2011 AUG 30 PM 02:00
DISTRICT COURT - SRB/
TWIN FALLS CO., IDAH
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): 77-04089A

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 77-04089A was mailed
on August 30, 2011, with sufficient first-class postage prepaid
to the following:

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

KENNETH R WALTERS
TAMMIE WALTERS
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

JULIE MURPHY
Chief Deputy Clerk