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DEPARTMENT OF
WATER RESOURCES

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

MAY 29 2009

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

Case No. 39576

)
) **ORDER OF PARTIAL DECREE**
)
)
) **For water right: 67-14877**
)
)
)

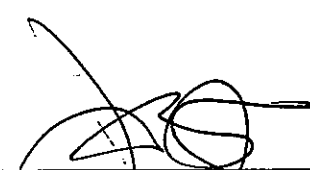
On November 25, 2008, a *Special Master's Report and Recommendation* was issued for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired. The above-captioned water right was recommended with one of the Purposes of Use being Aesthetic, Recreation, or Wildlife ("ARW"). This right was withheld from decree because of pending objections in the SRBA regarding the ARW Purpose of Use. The objections involving the ARW Purpose of Use were ultimately designated as Basin-Wide Issue 14. On February 25, 2009, the Court approved an amended decree resolving Basin-Wide Issue 14. Therefore, the Court finds it is now appropriate to issue the *Partial Decree* for the above-captioned right.

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

May 29, 2009



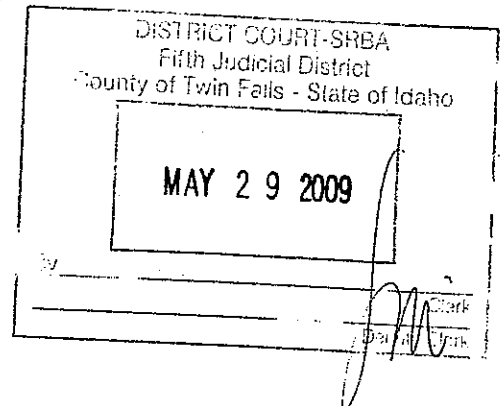
JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

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

Water Right 67-14877



NAME AND ADDRESS: CHESTER LEO MADSEN
EUNICE MADSEN
KEVIN ANDREW MADSEN
2073 N GALENA RD
COUNCIL, ID 83612

SOURCE: WASTE WATER TRIBUTARY: SINKS

QUANTITY: 0.15 CFS
1.70 AFY

The quantity of water under this right for domestic and
stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/15/1961

POINT OF DIVERSION: T16N R01W S10 SWNE Within Adams County
SWNE
SWNE
SENE
SWNE
SWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.15 CFS
	Irrigation Storage	01-01 TO 12-31	1.70 AFY
	Irrigation from Storage	03-15 TO 11-15	0.15 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS
	Stockwater Storage	01-01 TO 12-31	0.50 AFY
	Stockwater from Storage	01-01 TO 12-31	0.02 CFS
	Wildlife	01-01 TO 12-31	0.15 CFS
	Domestic	03-15 TO 11-15	0.02 CFS
	Recreation	01-01 TO 12-31	0.15 CFS
	Aesthetic	01-01 TO 12-31	0.15 CFS

Domestic use is for external use only.

PLACE OF USE:		
Irrigation		Within Adams County
T16N R01W S10	SWNE 23.0	
23.0 Acres Total		
Irrigation Storage		Within Adams County
T16N R01W S10	SWNE	
Irrigation from Storage		Within Adams County
Same as Irrigation		
Stockwater		Within Adams County
Same as Irrigation		
Stockwater Storage		Within Adams County
T16N R01W S10	SWNE	
Stockwater from Storage		Within Adams County
Same as Irrigation		
Wildlife		Within Adams County

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

PLACE OF USE (continued)

Same as Irrigation	
Domestic	Within Adams County
Same as Irrigation	
Recreation	Within Adams County
Same as Irrigation	
Aesthetic	Within Adams County
Same as Irrigation	

Right Nos. 67-11491 and 67-14877 are limited to the irrigation of a combined total of 23.0 acres in a single irrigation season.

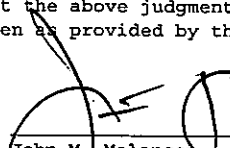
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use and 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.



John M. Melanson
Presiding Judge of the
Shake River Basin Adjudication

2009 MAY 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): 67-14877

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 67-14877 was mailed
on May 29, 2009, with sufficient first-class postage prepaid
to the following:

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

CHESTER LEO MADSEN
EUNICE MADSEN
KEVIN ANDREW MADSEN
2073 N GALENA RD
COUNCIL, ID 83612
Phone: 208-253-4815

JULIE MURPHY
Chief Deputy Clerk