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 DECREES**
	)	
Case No. 39576	)	**SUBCASES: 45-00151 & 45-13648**
	)	
	)	
	)	
	)	

On August 30, 2005, a ***Special Master's Report and Recommendation*** was filed for the above-captioned water rights. 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 rights are hereby **decreed** as set forth in the attached ***Partial Decrees Pursuant to I.R.C.P. 54(b)***.

DATED October 13, 2005.

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	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 45-00151

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
OCT 13 2005
By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: BARBARA V AUSTIN
CARL F AUSTIN
PO BOX 93
OAKLEY, ID 83346

SOURCE: COLD CREEK TRIBUTARY: GOOSE CREEK
GOOSE CREEK TRIBUTARY: SNAKE RIVER

THE GOOSE CREEK DRAINAGE IS TRIBUTARY TO THE SNAKE RIVER BASIN; HOWEVER, SURFACE FLOWS OF GOOSE CREEK IN THE VICINITY OF OAKLEY, IDAHO NO LONGER REACH THE SNAKE RIVER AND INSTEAD SINK INTO THE GROUND.

QUANTITY: 4.30 CFS

PRIORITY DATE: 02/21/1925

POINT OF DIVERSION: T15S R21E S25 SESENE Within Cassia County
NENWSE
NWSWSE
R22E S31 LOT 3 (NWNWSW)

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-15 TO 07-20	4.30 CFS
Stockwater	04-15 TO 07-20	0.12 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER JULY 20 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

Irrigation — Within Cassia County

T15S R21E S25	NENE 5.0	NWNE 13.0
	SWNE 24.0	SENE 15.0
	SENW 6.0	NESW 11.0
	SESW 6.0	NESE 21.0
	NWSE 27.0	SWSE 30.0
	SESE 35.0	
S36	NENE 22.0	

215.0 Acres Total

Stockwater — Within Cassia County

T15S R21E S25	NWNE	SWNE
	SENE	SENW
	NESW	SESW
	NESE	NWSE
	SWSE	SESE
S36	NENE	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-151, 45-7173A, 45-10248, & 45-13648. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 209 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

PLACE OF USE (continued)

THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON FEDERAL PUBLIC LAND.

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

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
OCT 13 2005
By _____ Clerk
Deputy Clerk

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 45-13648

NAME AND ADDRESS: BARBARA V AUSTIN
CARL F AUSTIN
PO BOX 93
OAKLEY, ID 83346

SOURCE: GROUND WATER

QUANTITY: 2.19 CFS
724.50 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 752.5 AF. COMBINED RIGHT NOS.: 45-7173A, 45-10248, & 45-13648.
USE OF THIS RIGHT WITH RIGHT NO. 45-7173A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.11 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 6.7 AF FOR STOCKWATER USE AND TO A TOTAL COMBINED DIVERSION RATE OF 0.04 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1.2 AF FOR DOMESTIC USE.

PRIORITY DATE: 04/29/1948

POINT OF DIVERSION: T15S R21E S25 NESENE Within Cassia County
NESESW
NESESW

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	2.19 CFS
		724.50 AFY
Stockwater	01-01 TO 12-31	0.11 CFS
		6.70 AFY
Domestic	01-01 TO 12-31	0.04 CFS
		1.20 AFY

PLACE OF USE:

Irrigation — Within Cassia County

T15S R21E S25	NENE 5.0	NWNE 13.0
	SWNE 24.0	SENE 15.0
	SENW 6.0	NESW 11.0
	SESW 6.0	NESE 21.0
	NWSE 27.0	SWSE 30.0
	SESE 35.0	
S36	NENE 22.0	

215.0 Acres Total

Stockwater — Within Cassia County

T15S R21E S25	NWNE	SWNE
	SENE	SENW
	NESW	SESW
	NESE	NWSE
	SWSE	SESE
S36	NENE	

Domestic — Within Cassia County

T15S R21E S25 SWSE

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-151, 45-7173A, 45-10248, & 45-13648.

PLACE OF USE (continued)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 207 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON FEDERAL PUBLIC LAND.

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. Section 42-1412(6), Idaho Code.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on October 13, 2005, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

BARBARA V AUSTIN
CARL F AUSTIN
PO BOX 93
OAKLEY, ID 83346
Phone: 208-436-1562

Julie Murphy
Deputy Clerk