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AUG 31 2005

DEPARTMENT OF
WATER RESOURCES

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

AUG 30 2005

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)	For Water Right: 45-07173A
)	
_____)	

On July 14, 2005, 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)*.

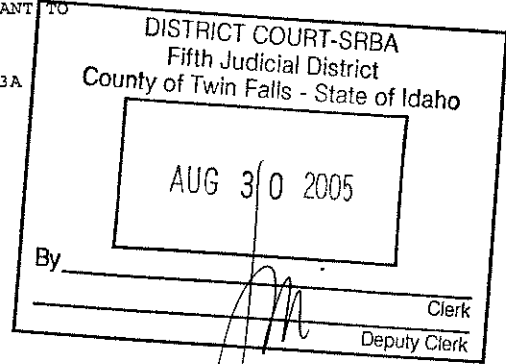
DATED August 30, 2005.


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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-07173A



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

SOURCE: GROUND WATER

QUANTITY: 0.18 CFS
76.50 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. 45-13648 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 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: 04/02/1974

POINT OF DIVERSION: T15S R22E S30 LOT 1 (NENWNW) Within Cassia County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.18 CFS 76.50 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:

		Within Cassia County
Irrigation 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	
	NENE 22.0	
	S36	
	215.0 Acres Total	
Stockwater T15S R21E S25	NENE	NWNE
	SWNE	SENE
	SENW	NESW
	SESW	NESE
	NWSE	SWSE
	SESE	
	NENE	
S36		
Domestic T15s R21e S25	SENE	

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 194 ACRES WITHIN THE

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

PLACE OF USE (continued)

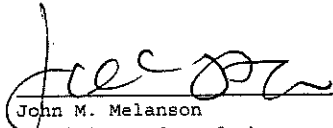
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON
FEDERAL PUBLIC LAND.

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. 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

