

2004 MAY -4 PM 12: 25
TWIN FALLS CO., IDAHO
FILED *MM*

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

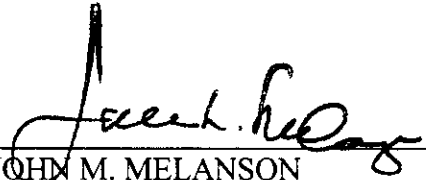
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right: 33-00059
	)	
_____	)	

On March 29, 2004, a *Special Master's Report and Recommendation* was filed for water right 33-00059. 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 33-00059 be **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED May 4, 2004.



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 33-00059

2004 MAY -4 PM 12:25

DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED *fm*

NAME AND ADDRESS: SUNNY ANN HAWLEY
VANCE L HAWLEY
HC 65 BOX 1069
HOWE, ID 83244

ESTATE OF L R & VANCE HAWLEY
578 E 4900 S
IDAHO FALLS, ID 83404

SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS

QUANTITY: 1.60 CFS

Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58,
33-59, 33-60, 33-10995, 33-10996, 33-2101A and 33-2101B when
combined shall not exceed a total diversion rate of 21.86 cfs.
The total instantaneous diversion of water from all points of
diversion under Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56,
33-57, 33-58, 33-59, 33-60, 33-10995 and 33-10996 shall not
exceed 13.60 cfs.

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION: T06N R28E S11 SESENW Within Butte County
S14 NENENE
S24 SWSENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.60 CFS

PLACE OF USE:	Irrigation	Within Butte County
T06N R28E S13	SWNW 30.0	SENW 40.0
	NESW 39.0	NWSW 27.0
	SWSW 39.0	SESW 32.0
	NWSE 40.0	SWSE 30.0
	SESE 36.0	
S14	SENE 38.0	NESE 38.0
S24	NENE 34.0	NWNE 23.0
	SWNE 39.0	SENE 26.0
	NENW 39.0	NWNW 34.3
	SENW 28.0	SESW 35.0
	NESE 29.0	NWSE 40.0
	SWSE 40.0	SESE 34.0
S25	NENE 32.0	NWNE 40.0
	862.3 Acres Total	

Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58,
33-59, 33-60, 33-2101A and 33-2101B when combined shall not
exceed the irrigation of 650.9 acres.
Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58,
33-59, 33-60, 33-10995, 33-10996, 33-2101A and 33-2101B when
combined shall not exceed the irrigation of 862.3 acres.
This right is limited to the irrigation of 80 acres within the
place of use described above in a single irrigation season.

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

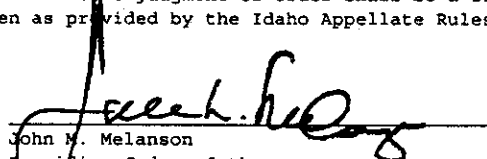
OTHER PROVISIONS (continued)

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within State Water District No. 33.

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
Residing Judge of the
Snake River Basin Adjudication

2004 MAY 04 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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 33-00059

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 33-00059 was mailed
on May 04, 2004, with sufficient first-class postage prepaid
to the following:

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

ESTATE OF L R & VANCE HAWLEY
SUNNY ANN HAWLEY
SUNNY HAWLEY ET AL
Represented by:
BLAIR J. GROVER
215 FARNSWORTH WAY
PO BOX 36
RIGBY, ID 83442-0036
Phone: 208-745-6653

VANCE L HAWLEY
HC 65 BOX 1069
HOWE, ID 83244

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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05/04/04