

2004 JUN -3 AM 10: 55
DISTRICT COURT - SRBA
TWIN FALLS, 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

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)

ORDER OF PARTIAL DECREE

Case No. 39576

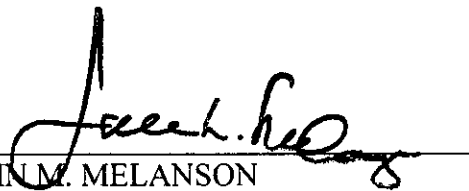
**SUBCASES: 65-03005X,
65-03006A & 65-10652**

On April 13, 2004, 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 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 June 3, 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 65-03005X

2004 JUN -3 AM 10:55
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *m*

NAME AND ADDRESS: CHESTER KERSTEIN
JO ANN F KERSTEIN
2100 ARTESIAN RD
EAGLE, ID 83616

SOURCE: SQUAW CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 2.51 CFS

PRIORITY DATE: 04/01/1864

POINT OF DIVERSION: T08N R01E S27 SENW Within Gem County

RIGHT NO. 65-03006A IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.51 CFS

PLACE OF USE:	Irrigation	Within Gem County
	T07N R01E S03	NWSW 15.0
	S04 LOT 1	(NENE) 32.0 LOT 2 (NWNE) 1.0
		SWNE 1.0 SENE 25.0
		NESE 11.0
	120.0 Acres Total	

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

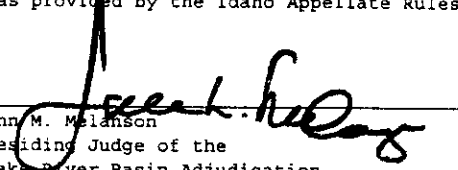
Basin 65 General Provisions No. 3, the Separate Streams
General Provision, does not apply to appropriations of water
after October 18, 1977.

This water right shall be administered as being from a
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3.
If the holder of this right seeks to change the right pursuant
to Idaho Code Section 42-222 or successor statute, nothing in
this general provision shall preclude any other person or entity
from demonstrating that such change in use would cause injury to
its water right or from receiving any relief provided by law in
the event of injury.

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-03006A

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *mm*

NAME AND ADDRESS: CHESTER KERSTEIN
JO ANN F KERSTEIN
2100 ARTESIAN RD
EAGLE, ID 83616

SOURCE: SQUAW CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.28 CFS

PRIORITY DATE: 04/01/1864

POINT OF DIVERSION: T08N R01E S27 SENW Within Gem County

RIGHT NO. 65-03005X IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.28 CFS

PLACE OF USE:	Irrigation		Within Gem County
	T07N R01E S03	NWSW 1.0	SWSW 5.0
	S04	NESE 3.0	SESE 5.0
	14.0 Acres Total		

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

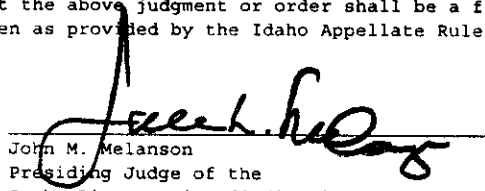
Basin 65 General Provisions No. 3, the Separate Streams
General Provision, does not apply to appropriations of water
after October 18, 1977.

This water right shall be administered as being from a
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3.
If the holder of this right seeks to change the right pursuant
to Idaho Code Section 42-222 or successor statute, nothing in
this general provision shall preclude any other person or entity
from demonstrating that such change in use would cause injury to
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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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-10652

2004 JUN -3 AM 10: 55

FILED
TWIN FALLS CO., IDAHO
SRBA

NAME AND ADDRESS: CHESTER KERSTEIN
JO ANN F KERSTEIN
2100 ARTESIAN RD
EAGLE, ID 83616

SOURCE: SPRING TRIBUTARY: SQUAW CREEK

QUANTITY: 0.22 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

THIS RIGHT WHEN COMBINED WITH RIGHT 65-10653 SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE AT FIELD HEADGATE FOR IRRIGATION, OR
WHEN COMBINED WITH RIGHT 65-10651 SHALL PROVIDE NO MORE THAN .05
CFS NOR 2.7 AFA FOR STOCKWATER.

PRIORITY DATE: 05/29/1927

POINT OF DIVERSION: T07N R01E S04 NWSE Within Gem County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.05 CFS
			2.70 AFY
	Irrigation	04-01 TO 11-01	0.22 CFS

PLACE OF USE: Irrigation Within Gem County
T07N R01E S04 SENE 9.0 NESE 2.0
11.0 Acres Total

Stockwater Within Gem County
Same as Irrigation

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.

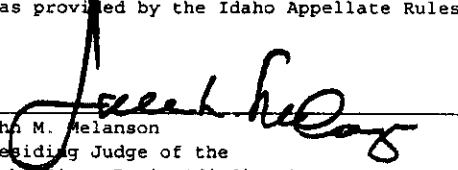
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on June 03, 2004, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:

DAVID W GEHLERT
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATRUAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

CHESTER KERSTEIN
JO ANN F KERSTEIN
2100 ARTESIAN RD
EAGLE, ID 83616
Phone: 208-939-2226

ORDER

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Deputy Clerk