

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2004 FEB 5 PM 3 24

**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

ORDER OF AMENDED PARTIAL DECREE

For Water Right 43-11263

On June 28, 2002, a ***Partial Decree*** was issued for the above-captioned water right. On December 12, 2003, a ***Joint Motion to Set Aside Partially Decreed Subcases and Refer to the Special Master*** was filed. This matter was referred to the Special Master on December 19, 2003. The Special Master issued a ***Special Master's Report and Recommendation*** on December 23, 2003, recommending setting aside and amending the ***Partial Decree***. This Court has reviewed the findings of fact and conclusions of law contained in the ***Special Master's Report and Recommendation*** and adopts them wholly as its own.

THEREFORE, IT IS ORDERED that the ***Partial Decree*** for water right 43-111263 be set aside and an ***Amended Partial Decree*** be decreed as set forth in the attached ***Amended Partial Decree Pursuant to I.R.C.P. 54(b)***. The previously issued ***Partial Decree*** is replaced and superseded thereby.

DATED February 5, 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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

AMENDED

FILED

2004 FEB 5 PM 3 24

In Re SRBA)
)
Case No. 39576)
)

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

Water Right 43-11263

NAME AND ADDRESS: BETTY ANN HIGLEY
HANK HIGLEY
TED HIGLEY
2200 RODOCKER LANE BOX 57
MALTA, ID 83342

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 1.60 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN
.02 CFS PER ACRE. COMBINED RIGHTS 43-11263, AND 43-2355.

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T13S R26E S14 NENENE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.60 CFS

PLACE OF USE:	Irrigation	Within Cassia County
	T13S R26E S12 71.0 Acres Total	NESW 32.0 SESW 39.0

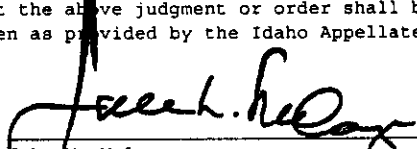
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 71 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHTS 43-11263, AND 43-2355.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE was mailed on February 05, 2004, with sufficient first-class postage to the following:

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

BETTY ANN HIGLEY
HANK HIGLEY
TED HIGLEY
2200 RODOCKER LANE BOX 57
MALTA, ID 83342
Phone: 208-645-2444

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.