

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2004 FEB 5 PM 4 50

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

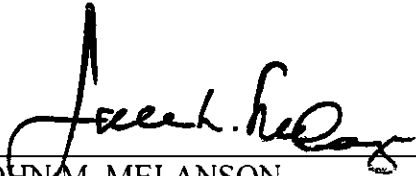
In Re SRBA	)	
	)	ORDER OF PARTIAL DECREE
Case No. 39576	)	
_____	)	Water Right: 35-02009

On December 19, 2003, a *Special Master's Report and Recommendation* was filed for the above 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 wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-02009 be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

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
FILED

2004 FEB 5 PM 4 50

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 35-02009

NAME AND ADDRESS: CARL R CHRISTENSEN
CHRISTENSEN BYPASS TRUST
1850 N ANDREW LANE
KUNA, ID 83634

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM UNNAMED
DRAIN.

QUANTITY: 1.60 CFS
320.00 AFY

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

PRIORITY DATE: 03/02/1908

POINT OF DIVERSION: T05S R31E S02 NWSESW Within Bingham County
NWSESW (Injection)
R32E S06 LOT 6 (NWNWSW) (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.60 CFS 320.00 AFY
	Stockwater	01-01 TO 12-31	0.14 CFS 14.60 AFY

PLACE OF USE:	Irrigation		Within Bingham County
	T05S R32E S05	NESW 31.0	NWSW 38.0
		SWSW 39.0	SESW 6.0
	S06 LOT 1	(NENE) 1.0	LOT 2 (NWNE) 28.0
		SWNE 4.0	SWSE 40.0
		SESE 40.0	
	S07	NENE 40.0	NWNE 40.0
		NENW 40.0	LOT 1 (NWNW) 40.0
	LOT 2	(SWNW) 40.0	SENW 40.0
	S08	NENW 16.0	NWNW 38.0
		SWNW 20.0	SENW 1.0
	542.0 Acres Total		

Stockwater Within Bingham County
Same as Irrigation

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
Rights 35-7990, 35-4179A, 35-4179B and 35-20009 when combined are
limited to the irrigation of 232 total acres within the place of
use described above in a single irrigation season.

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.

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

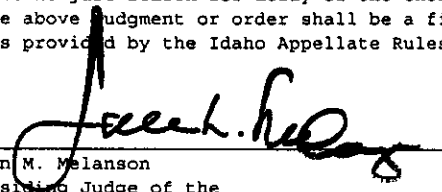
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

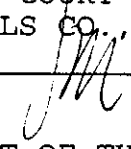
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

2004 FEB 05 PM 02:00
DISTRICT COURT - SRBA
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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): 35-02009

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 35-02009 was mailed
on February 05, 2004, with sufficient first-class postage prepaid
to the following:

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

US THROUGH DEPT OF INTERIOR
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CARL R CHRISTENSEN
CHRISTENSEN BYPASS TRUST
1850 N ANDREW LANE
KUNA, ID 83634
Phone: 208-397-4401

COURTESY COPY
MARY HEGE
1850 N ANDREW LANE
KUNA, ID 83634
Phone: 208-922-9070

CERTIFICATE OF MAILING

JULIE MURPHY
Chief Deputy Clerk

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02/05/04