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OCT 05 1999

Department of Water Resources

1999 OCT -4 PM 4:01  
DISTRICT COURT - SRBA  
TWIN FALLS, IDAHO

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

Subcase No. 45-10511

ORDER SETTING ASIDE PARTIAL  
DECREE; AMENDED ORDER OF  
PARTIAL DECREE

On June 8, 1999, Special Master Terrence A. Dolan issued a *Special Master's Report and Recommendation*, recommending the *Partial Decree* entered for the above subcase on July 24, 1999, be set aside and an amended *Partial Decree* be entered with a change in the period of use for stockwater. No Challenges were filed to the *Recommendation*, and the time for filing Challenges has expired.

IT IS ORDERED that, pursuant to I.R.C.P. 54(b), the *Partial Decree* for water right 45-10511 issued on July 24, 1998, is hereby set aside. Water right 45-10511 is hereby decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED October 4, 1999.



BARRY WOOD  
Administrative District Judge and  
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 )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

AMENDED  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 45-10511

1999 OCT -4 PM 4:01

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED \_\_\_\_\_

NAME AND ADDRESS: JOAN M SARGENT  
WILLIAM F SARGENT  
3384 N 5000 E  
MURTAUGH, ID 83344

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 03/15/1954

POINT OF DIVERSION: T11S R20E S12 SWNW Within Cassia County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE  | PERIOD OF USE  | QUANTITY |
|----------------|-----------------|----------------|----------|
|                | Domestic 1 HOME | 01-01 TO 12-31 | 0.04 CFS |
|                | Stockwater      | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Stockwater Within Cassia County  
T11S R20E S12 NWNW

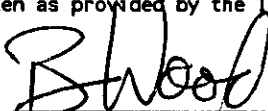
Domestic Within Cassia County  
T11S R20E S12 NWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.



Barry Wood  
Administrative District Judge  
Presiding Judge of the  
Snake River Basin Adjudication

1999 OCT 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     | ) | CERTIFICATE OF MAILING   |
|                | ) |                          |
| Case No. 39576 | ) |                          |
| _____          | ) | Water Right(s): 45-10511 |

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 45-10511 was mailed  
on October 04, 1999, with sufficient first-class postage prepaid  
to the following:

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

WILLIAM F SARGENT  
Represented by:  
NORMAN M. SEMANKO  
PO BOX 1906  
TWIN FALLS, ID 83303-1906  
Phone: 208-734-0700

JOAN M SARGENT  
3384 N 5000 E  
MURTAUGH, ID 83344  
Phone: 208-432-5207

DIANA DELANEY  
Chief Deputy Clerk