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Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____
2003 JUL 3 PM 4 26

**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 PARTIAL DECREE

For Water Rights 43-13264 & 43-13265

On May 5, 2003, a *2nd Special Master Report and Recommendation* was filed for the above water rights. No Challenges were filed to the *2nd 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 *2nd Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water rights 43-13264 & 43-13265 are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED July 03, 2003.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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PARTIAL DECREE PURSUANT
I.R.C.P. 54(b) FOR
Water Right 43-13264

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NAME AND ADDRESS: MERLIN W OTTLEY
YVONNE F OTTLEY
904 E OTTLEY RD 1370
ELBA, ID 83342-8658

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 0.78 CFS

PRIORITY DATE: 04/10/1983

POINT OF DIVERSION: T14S R24E S02 NENESW Within Cassia County
S03 SNNWSE
S03 SNNENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.78 CFS

PLACE OF USE:	Irrigation	Within Cassia County	
	T14S R24E S02	SWNW 14.0	SENW 2.7
		NESW 16.8	NWSW 4.0
		NWSE 10.0	
	47.5 Acres Total		

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 47.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-13264 AND 43-13266.

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

THE USE OF WATER UNDER THIS RIGHT IS LIMITED TO HOMESTEAD ENTRY
SURVY 206.

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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