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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 *2<sup>nd</sup> Special Master Report and Recommendation* was filed for the above water rights. No Challenges were filed to the *2<sup>nd</sup> 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 *2<sup>nd</sup> 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

2003 JUL 3 PM 4 26

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*

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

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