

1997-03-06 10:56

DISTRICT COURT

TWIN FALLS, 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

ORDER OF PARTIAL DECREE

Case No. 39576

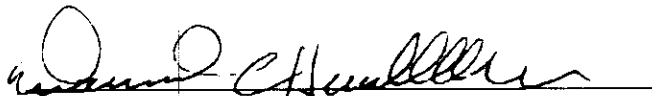
For Water Right 57-00077

On January 8, 1997, 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 14a, 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 57-00077 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 6, 1997.



DANIEL C. HURLBUTT, JR.

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

In Re SRBA)
)
Case No. 39576)
)

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

Water Right 57-00077

1997-09-06 PM 2:57
DISTRICT COURT
TWIN FALLS, IDAHO
FRIEDL

NAME & ADDRESS: WALTER J WATKINS
BARBARA WATKINS
JOHN GABICA
GENE GABICA
HC 78 BOX 1107
EMMETT ID 83617

SOURCE: BATES CREEK

TRIBUTARY: PICKETT CREEK

QUANTITY: 0.7 CFS

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

PRIORITY DATE: 04/01/1907

POINT OF DIVERSION: T04S R01W S29

NWSW

Within OMYHEE County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION
STOCKWATER

PERIOD OF USE
Irrigation Season
01-01 12-31

QUANTITY
0.7 CFS
0.16 CFS

PLACE OF USE: IRRIGATION
T04S R01W S29
11.7 ACRES TOTAL

Within OMYHEE County
SAME 8.2

SENE 3.5

STOCKWATER
T04S R01W S29

Within OMYHEE County
SAME

SENE

CONSUMPTIVE USE: 40.9 AFY

THE CONSUMPTIVE USE VOLUME IS ONLY FOR THE IRRIGATION PORTION
OF THIS WATER RIGHT.

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.

DATED: DEC 01 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

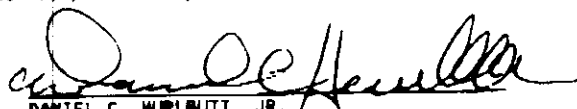
PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-00077

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FEB-25-1997

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.

DATED: MAR 6 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

1997 MAR 06 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): 57-00077

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 57-00077 was mailed
on March 06, 1997, with sufficient first-class postage prepaid
to the following:

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

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720

JOHN & GABICA, GENE GABICA
WALTER & BARBARA WATKINS
HC 78 BOX 1107
EMMETT, ID 83617

JOSEPH L. PARKINSON
123 W HIGHLAND VIEW DR
BOISE, ID 83702

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

* ORIGINAL COPY *

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03/06/97