

2002 NOV 4 AM 11 58

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

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ORDER OF PARTIAL DECREE

For Water Right 43-10814

On September 5, 2002, 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 43-10814 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED November 4, 2002



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

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

FILED  
2002 NOV 4 AM 11 59

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 43-10814

NAME AND ADDRESS: HOLMGREN LAND & LIVESTOCK  
785 N 350 E  
TREMONTON, UT 84337

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 13.20 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER  
DESCRIBED ABOVE AT THE POINT OF MEASUREMENT IN T16S, R27E, S27,  
SESENE.

PRIORITY DATE: 06/01/1987

POINT OF DIVERSION: T16S R27E S10 NWNENW (Rediversion) Within Cassia County  
S15 NENENW (Rediversion)  
NWSESE (Rediversion)  
S27 SESENE

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation 04-01 TO 10-31 13.20 CFS

PLACE OF USE: Irrigation Within Cassia County  
T15S R27E S32 NESE 19.0 NWSE 15.0  
SWSE 35.0 SESE 39.0  
S33 NWSW 40.0 SWSW 39.0  
T16S R27E S04 LOT 3 (NENW) 35.0 LOT 4 (NWNW) 37.0  
SWNW 39.0 SENW 40.0  
NESW 28.0 NWSW 38.0  
SWSW 25.0  
S10 SWNW 20.0 SENW 24.0  
NESW 29.0 NWSW 16.0  
SWSW 14.0 SESW 32.0  
S15 NENW 32.0 NWNW 7.0  
SWNW 2.0 SENW 37.0  
642.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 43-00043 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 642 ACRES IN A SINGLE  
IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-00043 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 642 ACRES IN A SINGLE  
IRRIGATION SEASON.

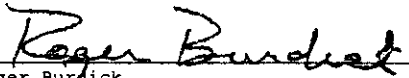
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER  
DISTRICT 43-B.

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

2002 NOV 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 )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 43-10814

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 43-10814 was mailed  
on November 04, 2002, with sufficient first-class postage prepaid  
to the following:

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

HAROLD AND BETH JONES  
Represented by:  
PATRICK D. BROWN  
HUTCHINSON & BROWN, LLP  
P O BOX 207  
TWIN FALLS, ID 83303-0207  
Phone: 208-733-9300

STEVEN HOLMGREN  
PO BOX 78  
BEAR RIVER, UT 84301  
Phone: 435-279-8267

HOLMGREN LAND & LIVESTOCK  
785 N 350 E  
TREMONTON, UT 84337

CERTIFICATE OF MAILING

ROBBIN HALL  
Chief Deputy Clerk

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11/04/02