

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT - 8 - 2002	
By _____	Clerk
_____	Deputy Clerk

**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 43-07178
_____	)	

On August 13, 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 43-07178 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED October 8, 2002



 ROGER S. BURDICK
 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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT - 8 2002

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-07178

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: LONNA NEWCOMB
MARK T NEWCOMB
251 E 200 S
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 1.12 CFS
224.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 8.1 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 2356 AF.

PRIORITY DATE: 06/16/1982

POINT OF DIVERSION: T10S R26E S06 SWSNW Within Cassia County
NENWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.12 CFS 224.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T10S R26E S05 LOT 6 (NWNW) 14.0	SWNW 12.0
	NWSW 17.0	SWSW 6.0
	S06 LOT 1 (NENE) 40.0	LOT 2 (NWNE) 20.0
	SWNE 40.0	SENE 40.0
	LOT 3 (NENW) 37.0	LOT 4 (NWNW) 30.0
	LOT 5 (SWNW) 30.0	SENW 40.0
	NESW 40.0	LOT 6 (NWSW) 32.0
	LOT 7 (SWSW) 27.0	SESW 33.0
	NESE 40.0	NWSE 40.0
	SWSE 28.0	SESE 23.0
	589.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 56 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 589 ACRES IN A SINGLE
IRRIGATION SEASON.

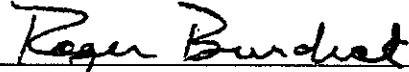
THE USE OF WATER WITHIN THE NWNW, SWNW, NWSW, AND SWSW,
SECTION 5, T10S, R26E IS LIMITED TO THE W 1/2 OF THOSE PLACES
OF USE.

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

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.

A handwritten signature in cursive script, reading "Roger Burdick", is written over a horizontal line.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 OCT 08 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): 43-07178

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 43-07178 was mailed
on October 08, 2002, with sufficient first-class postage prepaid
to the following:

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

MARK T NEWCOMB
Represented by:
ALAN C. GOODMAN
PO BOX D
RUPERT, ID 83350
Phone: 208-436-4774

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

LONNA NEWCOMB
251 E 200 S
RUPERT, ID 83350
Phone: 208-436-5679

CERTIFICATE OF MAILING

ROBBIN HALL
Chief Deputy Clerk

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10/08/02