

FILED SEP 12 AM 11:10  
DISTRICT COURT-5th  
TWIN FALLS, IDAHO  
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 85-11165**  
\_\_\_\_\_ )

On July 31, 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 85-11165 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED September 12, 2002



\_\_\_\_\_  
ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

07/31/2002

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

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 85-11165

2002 SEP 12 AM 11:10  
DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO

NAME AND ADDRESS: NORMA M CLAUSEN  
1612 CEDAR AVE  
LEWISTON ID 83501

SOURCE: MISSION CREEK

TRIBUTARY: LAPWAI CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 06/01/1895

POINT OF DIVERSION: Within LEWIS and NEZ PERCE Counties

T34N R03W S22 NENWNW End of Stream Flow  
T34N R03W S27 SESWNE Begin of Stream Flow  
T34N R03W S27 NWNESE End of Stream Flow  
T34N R03W S34 SENENE Begin of Stream Flow

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

STOCKWATER

PERIOD OF USE

01/01 12/31

0.020 CFS

PLACE OF USE:

Within LEWIS and NEZ PERCE Counties

|               |      |               |      |
|---------------|------|---------------|------|
| T34N R03W S22 | NWNE | T34N R03W S22 | SWNE |
| T34N R03W S22 | NENW | T34N R03W S22 | NWNW |
| T34N R03W S22 | SWNW | T34N R03W S22 | SENW |
| T34N R03W S22 | NESW | T34N R03W S22 | NWSW |
| T34N R03W S22 | SWSW | T34N R03W S22 | SESW |
| T34N R03W S22 | NWSE | T34N R03W S22 | SWSE |
| T34N R03W S26 | NWSW | T34N R03W S26 | SWSW |
| T34N R03W S27 | NENE | T34N R03W S27 | NENE |
| T34N R03W S27 | NWNE | T34N R03W S27 | SWNE |
| T34N R03W S27 | SWNE | T34N R03W S27 | SENE |
| T34N R03W S27 | NESE | T34N R03W S27 | NWSE |
| T34N R03W S27 | SESE | T34N R03W S34 | NENE |
| T34N R03W S35 | NWNW |               |      |

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. SECTION 42-1412(6), IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issue 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 judgement 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  
Administrative District Judge  
Presiding Judge of the Snake  
River Basin Adjudication

2002 SEP 12 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): 85-11165 |

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 85-11165 was mailed  
on September 12, 2002, with sufficient first-class postage prepaid  
to the following:

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

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

NORMA M CLAUSEN  
1612 CEDAR AVE  
LEWISTON, ID 83501  
Phone: 208-746-5206

ROBBIN GLATZ  
Chief Deputy Clerk