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Department of Water Resources

2002 AUG 29 AM 11:39

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

)
) **ORDER OF PARTIAL DECREE**
)
) **For Water Right 51-02107**
)

On June 24, 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 51-02107 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED August 29, 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

AMENDED

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

Water Right 51-02107

2002 AUG 29 AM 11:42

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
)
Case No. 39576)
_____)

NAME AND ADDRESS: EUGENE A TINDALL
MARY M TINDALL
HC 85 BOX 167
BRUNEAU, ID 83604

SOURCE: GROUNDWATER

QUANTITY: 2.96 CFS
696.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 51-07110A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 9.29 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1856 AF.

THIS RIGHT AND RIGHT NOS. 51-07110A & 51-07110B ARE
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.32 CFS AND TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1864 AF.

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

PRIORITY DATE: 04/22/1949

POINT OF DIVERSION: T07S R05E S21 SESWSW Within Owyhee County
S28 NESWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	2.96 CFS 696.00 AFY
	Stockwater	01-01 TO 12-31	0.23 CFS 13.40 AFY

PLACE OF USE:	Irrigation		Within Owyhee County
	T07S R05E S20	SESE 18.0	
	S21	NENW 34.0	NWNW 33.0
		SWNW 39.0	SENW 33.0
		NESW 31.0	NWSW 29.0
		SWSW 38.0	
	S28	SWNE 19.0	NWNW 40.0
		SWNW 34.0	SENW 19.0
		NESW 34.0	NWSW 5.0
		NWSE 35.0	
	S29	NENE 23.0	
	464.0 Acres Total		
	Stockwater		Within Owyhee County
	Same as Irrigation		

USE OF THIS RIGHT WITH RIGHT NO. 51-07110A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 464 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT AND RIGHT NOS. 51-07110A AND 51-07110B ARE LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 466 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 174 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

OTHER PROVISIONS (continued)

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

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 AUG 29 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): 51-02107

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 51-02107 was mailed
on August 29, 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

EUGENE A TINDALL
MARY M TINDALL
HC 85 BOX 167
BRUNEAU, ID 83604
Phone: 208-845-2821

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
08/29/02