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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	)	
	)	**ORDER OF PARTIAL DECREE**
Case No. 39576	)	
	)	**For Water Right 51-00138**
	)	

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 51-00138 is hereby **decreed** as set forth in the attached ***Partial Decree*** Pursuant to I.R.C.P. 54(b).

DATED August 29, 2002

Roger Burdick

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

In Re SRBA)
)
Case No. 39576)
)

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

Water Right 51-00138

2002 AUG 29 AM 11:41
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CEDAR MESA RESERVOIR & CANAL C
PO BOX 525
TWIN FALLS, ID 83303-0525

SOURCE: DEADWOOD CREEK TRIBUTARY: CLOVER CREEK

POINTS OF INJECTION INTO DEVIL CREEK, HOUSE CREEK, AND CEDAR CREEK, POINTS OF REDIVERSION FROM DEVIL CREEK AND CEDAR CREEK.

QUANTITY: 3000.00 AFY

PRIORITY DATE: 11/19/1915

POINT OF DIVERSION:

T13S R14E S29	NWSE	(Rediversion)	Within Twin Falls County
T14S R13E S12	SWNE	(Rediversion)	
S22	SWNE	(Injection)	
T15S R12E S12	NWNW	(Injection)	
S22	NWNE	(Injection)	
	NWNE	(Rediversion)	
S28	NESW	Within Owyhee County	

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation Storage	10-01 TO 05-15	3000.00 AFY
Irrigation from Storage	04-23 TO 10-01	3000.00 AFY

PLACE OF USE:

USE OF THIS RIGHT WITH RIGHT NO. 51-00137 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 5000 ACRES WITHIN THE BOUNDARIES OF THE CEDAR MESA RESERVOIR & CANAL COMPANY IN A SINGLE IRRIGATION SEASON.

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

AS THIS RIGHT AND RIGHT NO. 51-137, RECOMMNEDED TO CEDAR MESA RESERVOIR AND CANAL CO., RELATE TO RIGHT NO. 51-132, RECOMMENDED TO DEVIL CREEK RANCH INC., THE IRRIGATION SEASON OF USE FOR 3.0 CFS UNDER RIGHT NO. 51-132 SHALL BEGIN APRIL 15TH AND END OCTOBER 15TH FOR EACH IRRIGATION SEASON.

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)	CERTIFICATE OF MAILING
)	
Case No. 39576)	
)	Water Right(s): 51-00138

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 51-00138 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

CEDAR MESA RESERVOIR & CANAL C
Represented by:
JOHN R COLEMAN
PO BOX 525
TWIN FALLS, ID 83303
Phone: 208-734-1224

DEVIL CREEK RANCH
C/O RANDALL BREWER
ROGERSON, ID 83302
Phone: 208-857-2222

ROBBIN GLATZ
Chief Deputy Clerk