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Department of Water Resources  
Adjudication Bureau

2002 JUN 10 PM 3:16  
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

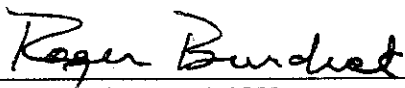
In Re SRBA )  
Case No. 39576 ) **ORDER OF PARTIAL DECREE**  
 ) **For Water Right 31-00058**  
 )  
\_\_\_\_\_ )

On April 22, 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 31-00058 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED June 10, 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

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 31-00058

2002 JUN 10 PM 3:15  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: BEVERLY BURTONSHAW  
DON M BURTONSHAW  
1603 N 1000 E  
TERRETON, ID 83450

SOURCE: COTTONWOOD CREEK TRIBUTARY: WARM CREEK

QUANTITY: 3.00 CFS

PRIORITY DATE: 05/01/1896

POINT OF DIVERSION: T13N R39E S05 NENENW Within Clark County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 05-01 TO 10-31 | 3.00 CFS |
|                            | Stockwater     | 05-01 TO 10-31 | 0.09 CFS |

PLACE OF USE: Irrigation Within Clark County  
T13N R39E S29 NENW 24.0 SWNW 9.0  
SESW 33.0 NESW 33.0  
NWSW 16.0 SWSW 11.0  
SESW 34.0  
160.0 Acres Total

| Stockwater    | Within Clark County |
|---------------|---------------------|
| T13N R39E S29 | NENW                |
|               | NWNW                |
|               | SESW                |
|               | SESW                |
|               | NWSW                |
|               | SESW                |

USE OF THIS RIGHT WITH RIGHT NO. 31-00060B IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 261 ACRES IN A SINGLE  
IRRIGATION SEASON.

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

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.



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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

2002 JUN 10 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): 31-00058

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 31-00058 was mailed  
on June 10, 2002, with sufficient first-class postage prepaid  
to the following:

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

DON M BURTENSHAW  
Represented by:  
GORDON S THATCHER  
PO BOX 250  
REXBURG, ID 83440-0250  
Phone: 208-356-3633

BEVERLY BURTENSHAW  
DON M BURTENSHAW  
1603 N 1000 E  
TERRETON, ID 83450  
Phone: 208-663-4493

ROBBIN GLATZ  
Chief Deputy Clerk

CERTIFICATE OF MAILING

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06/10/02