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Department of Water Resources

2002 APR -8 PM 1:44
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 31-00323** |

On February 8, 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 31-00323 is hereby **decreed** as set forth in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b)***.

DATED 4/8/02

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 31-00323

2002 APR -8 PM 1:44
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: CAMAS CREEK TRIBUTARY: MUD LAKE

QUANTITY: 10.00 CFS

PRIORITY DATE: 08/30/1913

POINT OF DIVERSION: T09N R37E S09 NWNENE Within Clark County
S17 NESWNE

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|---|---|---|
| Stockwater | 04-01 TO 07-01 | 10.00 CFS |

PLACE OF USE: Stockwater Within Clark County

| | | | |
|---|---|---|---|
| T09N R36E S01 | LOT 02 (NWNE) | | SWNE |
| | LOT 03 (NENW) | LOT 04 (NWNW) | |
| | SWNW | | SENW |
| | NESW | | NWSW |
| | SWSW | | SESW |
| | LOT 06 (NESE) | | NWSE |
| | SWSE | LOT 07 (SESE) | |
| S12 | LOT 01 (NENE) | | NWNE |
| | SWNE | LOT 02 (SENE) | |
| | NENW | | NWNW |
| | SWNW | | SENW |
| | NESW | | NWSW |
| | SWSW | | SESW |
| | LOT 03 (NESE) | | NWSE |
| | SWSE | LOT 04 (SESE) | |
| S13 | LOT 01 (NENE) | | NWNE |
| | SWNE | LOT 02 (SENE) | |
| | NENW | | NWNW |
| | SWNW | | SENW |
| | NESW | | SESW |
| | LOT 01 (NESE) | | NWSE |
| | SWSE | LOT 04 (SESE) | |
| S24 | LOT 01 (NENE) | | NWNE |
| R37E S05 | NWSW | | |
| S06 | SWNE | | SENE |
| | LOT 05 (SWNW) | | SENW |
| | NESW | LOT 06 (NWSW) | |
| | LOT 07 (SWSW) | | SESW |
| | NESE | | NWSE |
| | SWSE | | SESE |
| S07 | NWNE | | NENW |
| | LOT 01 (NWNW) | LOT 02 (SWNW) | |
| | SENW | | NESW |
| | LOT 03 (NWSW) | LOT 04 (SWSW) | |
| | SWSE | | SESE |
| S18 | NENE | | NWNE |
| | SWNE | | SENE |
| | NENW | LOT 01 (NWNW) | |
| | LOT 02 (SWNW) | | SENW |

PLACE OF USE (continued)

| | | | |
|---|---|---|---|
| | | NESW | LOT 03 (NWSW) |
| | LOT 04 | (SWSW) | SESW |
| | | NESE | NWSE |
| | | SWSE | SESE |
| S19 | | NENE | NWNE |
| | | SWNE | SENE |
| | | NENW | LOT 01 (NWNW) |
| | LOT 02 | (SWNW) | SENW |

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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 APR 08 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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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): 31-00323 |

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 31-00323 was mailed on April 08, 2002, with sufficient first-class postage prepaid to the following:

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

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

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

ROBBIN GLATZ
Chief Deputy Clerk