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Department of Water Resources

2000 FEB 15 PM 12:46

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

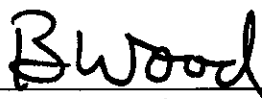
For Water Right 72-04081

On November 30, 1999, 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 72-04081 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED FEB 15 2000



BARRY WOOD
Administrative District Judge and
Presiding Judge of the
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
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 72-04081

200 FEB 15 PM 12:46
FILED
CLERK
TWIN FALLS, IDAHO

NAME AND ADDRESS: HOWARD R CUTLER
ZELLA M CUTLER
HC 67 BOX 2066
CHALLIS, ID 83226

SOURCE: BAYHORSE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 72-04082 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.60 CFS.

PRIORITY DATE: 04/15/1957

POINT OF DIVERSION: T12N R19E S07 LOT 08 (SENWSW) Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.00 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T12N R19E S18 LOT 01 (NENE)12.0	LOT 01 (NWNE)12.0
	LOT 06 (SWNE)37.0	SENE 16.2
	LOT 06 (SENW) 4.0	LOT 07 (NESW) 2.0
	NESE 4.6	LOT 07 (NWSE)26.2
	114.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 44 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 131.1 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04082 & 72-04083.

USE OF WATER WITHIN T12N R19E S18 SENE IS LIMITED TO THE W1/2
AND THE W1/2 E1/2 OF THAT PLACE OF USE.

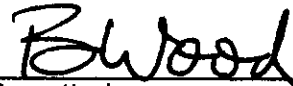
USE OF WATER WITHIN T12N R19E S18 NESE IS LIMITED TO THE NW1/4
OF THAT PLACE OF USE.

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.

A handwritten signature in black ink, appearing to read "B. Wood", is written over a horizontal line.

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 FEB 15 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): 72-04081

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 72-04081 was mailed
on February 15, 2000, 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

HOWARD R CUTLER
ZELLA M CUTLER
HC 67 BOX 2066
CHALLIS, ID 83226
Phone: 208-838-2366

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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02/15/00