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MAR 20 2001

Department of Water Resources

2001 MAR 19 AM 8:48
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 72-04077
_____	)	

On January 29, 2001, 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 72-04077 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED MAR 19 2001.



ROGER BURDICK
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

2001 MAR 19 AM 8:48

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 72-04077

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: PETERSEN RANCH TRUST
C/O CLARENCE E PETERSEN
645 RIO VIRGIN DRIVE
SAINT GEORGE, UT 84790-7834

SOURCE: BAYHORSE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 4.50 CFS

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CLERK OF DISTRICT COURT

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

PRIORITY DATE: 06/01/1922

POINT OF DIVERSION: T12N R18E S12 SESWNE Within Custer County
SENESE
R19E S07 SWNESE
LOT 08 (SENWSW)
LOT 10 (NESWSE)
LOT 10 (NWSWSE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.50 CFS
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Irrigation Within Custer County
T12N R18E S12 SWNE 0.1 NESE 3.3
R19E S07 LOT 04 (SWNE) 0.1 LOT 04 (SENW) 20.0
NESW 3.3 LOT 07 (NESE) 3.7
LOT 07 (NWSE) 2.0 LOT 10 (SWSE) 1.5
LOT 10 (SESE) 6.5
40.5 Acres Total

Domestic Within Custer County
T12N R19E S07 LOT 10 (SESE)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC 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.

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 72-04077

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 72-04077 was mailed
on March 19, 2001, 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

PETERSEN RANCH TRUST
C/O CLARENCE E PETERSEN
645 RIO VIRGIN DRIVE
SAINT GEORGE, UT 84790-7834
Phone: 801-262-4615

GARY PETERSEN
C/O PETERSEN RANCH TRUST
6288 PARK RIDGE DRIVE
PARK CITY, UT 84098

CERTIFICATE OF MAILING

DIANA DELANEY
Chief Deputy Clerk

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03/19/01