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Department of Water Resources

2001 JUL 23 AM 11: 22

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

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)
)
)
ORDER OF PARTIAL DECREE

For Water Right 72-10142

On May 23, 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 72-10142 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 22, 2001.



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 72-10142

2001 JUL 23 AM 11: 22

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: LOIS VON MORGANROTH
1223 MONTANA AVE
SANTA MONICA, CA 90403

SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 11.40 CFS

PRIORITY DATE: 03/01/1878

POINT OF DIVERSION: T12N R20E S04 NESENW Within Custer County
SESESW
S10 NENWSW
SENWSW
T13N R20E S18 SESESW
S19 NWNWSE
S32 NWNWNE
SENWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE Irrigation	PERIOD OF USE 04-01 TO 10-31	QUANTITY 11.40 CFS
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PLACE OF USE:	Irrigation	Within Custer County
T12N R20E S04	SWNE 26.0	LOT 03 (NENW) 9.7
	SENEW 4.9	NESW 3.5
	SESW 0.1	NWSE 33.0
	SWSE 25.0	
S09	NENE 7.6	NWNE 2.7
	SENE 8.8	
S10	SWNW 3.8	
T13N R19E S12	NESE 34.0	NWSE 36.0
	SWSE 36.0	SESE 40.0
S13	NENE 40.0	NWNE 38.0
	SWNE 38.0	SENE 40.0
	SENEW 13.0	NESE 25.0
	NWSE 5.3	
R20E S18	NWNE 9.2	SWNE 22.0
	NENW 38.0	LOT 01 (NWNW) 38.0
LOT 02 (SWNW) 38.0		SENEW 40.0
	NESW 40.0	LOT 03 (NWSW) 38.0
LOT 04 (SWSW) 11.0		SESW 34.0
	NWSE 28.0	
S19	NWSE 2.3	SWSE 26.0
	SESE 18.0	
S29	NWNW 28.1	SWNW 24.0
	SENEW 22.0	NESW 28.0
	NWSW 38.0	SWSW 40.0
	SESW 29.0	NWSE 16.0
	SWSE 32.0	
S30	NENE 36.0	NWNE 30.0
	SENE 38.0	NESE 40.0
	SESE 40.0	
S31	NENE 30.0	SENE 16.0
S32	NENE 20.0	NWNE 13.0
	SENE 24.0	NWNW 40.0
	NESE 0.2	
S33	NWSW 20.4	SWSW 4.9

PLACE OF USE (continued)

SESW 9.7

1472.2 Acres Total

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 440 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 1472.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-10142, 72-10143, 72-16597 AND 72-16599.

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

2001 JUL 23 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): 72-10142

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 72-10142 was mailed
on July 23, 2001, with sufficient first-class postage prepaid
to the following:

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

LOIS VON MORGANROTH
Represented by:
BRUCE M. SMITH
MOORE SMITH BUXTON & TURCKE
225 NORTH 9TH ST, STE 420
BOISE, ID 83702
Phone: 208-331-1800

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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