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Department of Water Resources

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| APR 12 2001                                                                             |                       |
| By _____                                                                                | Clerk<br>Deputy Clerk |

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

Subcase No. 65-08559

Case No. 39576

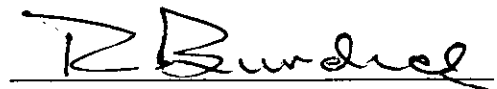
ORDER OF AMENDED PARTIAL  
DECREE *NUNC PRO TUNC*

On February 28, 2001, Special Master Thomas R. Cushman issued his recommendation on the above water right. No Challenges were filed to the recommendation, and the time for filing Challenges has expired.

The *Partial Decree* for water right 65-08559, issued October 31, 2000, was set aside by order of this Court dated December 19, 2000. The Court has reviewed the Special Master's recommendation and fully adopts it.

Therefore; IT IS ORDERED that water right 65-08559 is hereby **decreed, nunc pro tunc** October 31, 2000, to the date of the original decree, as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: 4-12-01



ROGER BURDICK  
Presiding Judge of the  
Snake River Basin Adjudication

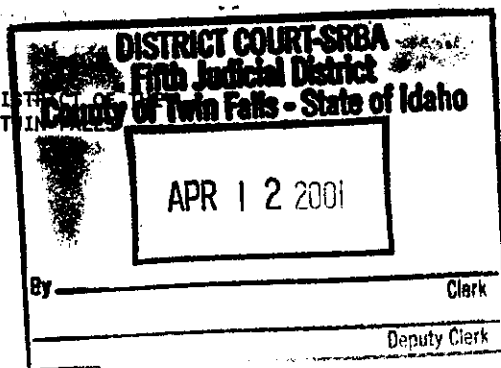
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA )  
Case No. 39576 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 65-08559



NAME AND ADDRESS: DAVID LITTLE  
PO BOX 68  
EMMETT, ID 83617

SOURCE: UNNAMED STREAM TRIBUTARY: BIG CREEK  
DEEP CREEK BIG CREEK

QUANTITY: 3.00 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT 65-2022 SHALL PROVIDE NO  
MORE THAN .02 CFS/ACRE.

PRIORITY DATE: 04/15/1917

POINT OF DIVERSION: T14N R04E S12 NWNE Within Valley County  
T15N R04E S36 SWSE

2 POINTS OF DIVERSION LOCATED IN T14, R04E, S12, NWNE.

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-15 TO 10-15 | 3.00 CFS |

| PLACE OF USE: | Irrigation             | Within Valley County |
|---------------|------------------------|----------------------|
|               | T14N R04E S12          | SENE 23.0            |
|               |                        | NESE 35.0            |
|               |                        | SESE 19.0            |
|               | R05E S07 LOT 03 (NWSW) | SWSW 18.0            |
|               | S18                    | SWNW 5.0             |
|               | 151.0 Acres Total      |                      |

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

## CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER OF AMENDED PARTIAL DECREE NUNC PRO TUNC** were mailed on April 13, 2001, with sufficient first-class postage, to the following:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment & Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

David Little  
PO Box 68  
Emmett, ID 83617

Joe & Tracy Kennedy  
11004 Hwy 55  
Cascade, ID 83611

  
Deputy Clerk of the Court