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JAN 10 2001

Department of Water Resources

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DIST. CLERK
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

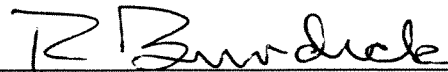
For Water Right 61-04065

On October 31, 2000, 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 61-04065 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JAN - 9 2001.



ROGER BURDICK
Presiding Judge of the
Snake River Basin Adjudication

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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)
Case No. 39576)
_____)

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

Water Right 61-04065

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FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: CUTLER BROTHERS
257 NW 16TH ST
ONTARIO, OR 97914

SOURCE: GROUNDWATER

QUANTITY: 0.28 CFS
20.80 AFY

PRIORITY DATE: 01/01/1954

POINT OF DIVERSION: T04S R06E S01 NESENW Within Elmore County

2 POINTS OF DIVERSION LOCATED IN T04S, R06E, S01, NESENW.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.03 CFS
			4.00 AFY
	Domestic	01-01 TO 12-31	0.25 CFS
			16.80 AFY

DOMESTIC USE IS FOR 28 MOBILE HOMES.

PLACE OF USE: Irrigation Within Elmore County
T04S R06E S01 SENW 4.0
4.0 Acres Total

Domestic Within Elmore County
T04S R06E S01 SENW

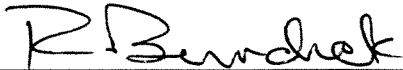
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1 ACRE WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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TWIN FALLS CO., IDAHO
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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

)

CERTIFICATE OF MAILING

)

Case No. 39576

)

Water Right(s): 61-04065

)

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 61-04065 was mailed
on January 09, 2001, with sufficient first-class postage prepaid
to the following:

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

CUTLER BROTHERS
ROSS W CUTLER
257 NW 16TH ST
ONTARIO, OR 97914
Phone: 541-889-4085

DIANA DELANEY
Chief Deputy Clerk