

DEC 11 2001

DEC - 5 2001

2001 DEC -5 AM 9:58

FILED RJ  
TWIN FALLS, IDAHO

**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**

**ORDER OF PARTIAL DECREE**

**For Water Right 61-00362C**

On October 16, 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 61-00362C is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED December 5, 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 61-00362C

2001 DEC -5 AM 9:58

US DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED *RJ*

NAME AND ADDRESS: ARK PROPERTIES LLC  
1656 KINGSHILL  
ST CROIX, VI 00851

SOURCE: BENNETT CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.61 CFS

PRIORITY DATE: 03/01/1892

POINT OF DIVERSION: T04S R08E S01 SESW Within Elmore County

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation 03-15 TO 11-15 0.61 CFS

PLACE OF USE: Irrigation  
T04S R08E S01 SESW 21.0 Within Elmore County  
S11 SESE 4.9 SWSE 2.0  
S12 NWNW 0.9 NENW 30.0  
NWNW 5.2 SWNW 22.0  
SENW 24.6 NESW 22.5  
NWSW 32.0 SWSW 32.0  
SESW 14.0  
S13 NENW 4.0 NWNW 1.1  
216.2 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 216 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00282A, 61-00358A,  
61-00361A, 61-00281A, 61-10377A, 61-02006A, 61-00302.

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*

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

2001 DEC 05 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): 61-00362C

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 61-00362C was mailed  
on December 05, 2001, with sufficient first-class postage prepaid  
to the following:

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

ARK PROPERTIES LLC  
JOHN MCCALLUM  
Represented by:  
BRUCE M. SMITH  
225 NORTH 9TH ST, STE 420  
BOISE, ID 83702  
Phone: 208-331-1800

ROBBIN GLATZ  
Chief Deputy Clerk

CERTIFICATE OF MAILING

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12/05/01