

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2002 DEC 23 PM 3 34

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 AMENDED PARTIAL DECREE

For Water Right 57-01008

On October 28, 2002, 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 57-01008 is hereby decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: December 23, 2002



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

AMENDED

DISTRICT COURT - SR
TWIN FALLS CO., IDAHO
FILED

2002 DEC 23 PM 3 3

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 57-01008

NAME AND ADDRESS: PATRICIA B FOOTE
FOOTE JR, EARLE G
HC 79 BOX 52
MELBA, ID 83641

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS
9.80 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHT NOS. 57-00277, IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 12.86 CFS.

PRIORITY DATE: 06/01/1935

POINT OF DIVERSION: T01S R03W S12 NESE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.02 CFS 9.80 AFY
	Stockwater	01-01 TO 12-31	0.02 CFS 2.70 AFY

PLACE OF USE: Irrigation Within Owyhee County
T01S R03W S12 SWNE 40.0
40.0 Acres Total

Stockwater Within Owyhee County
Same as Irrigation

USE OF THIS RIGHT WITH RIGHT LISTED ABOVE IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 643.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE
SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE,
WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A
LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT
FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED
ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND
THE BASIN 02 RIGHTS.

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

2002 DEC 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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-01008

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 57-01008 was mailed
on December 23, 2002, with sufficient first-class postage prepaid
to the following:

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

PATRICIA B FOOTE
FOOTE JR, EARLE G
HC 79 BOX 52
MELBA, ID 83641
Phone: 208-495-1121

ROBBIN HALL
Chief 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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-01008

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: EARLE G FOOTE
PATRICIA B FOOTE
HC 79 BOX 52
MELBA ID 83641

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS
9.8 AFY

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

USE OF THIS RIGHT WITH RIGHT NO. 57-00277 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 12.86 CFS.

PRIORITY DATE: 06/01/1935

POINT OF DIVERSION: T01S R03W S12 NESE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	0.02 CFS
			9.8 AFY
STOCKWATER		01-01 12-31	0.02 CFS
			2.7 AFY

PLACE OF USE: IRRIGATION Within Owyhee County
T01S R03W S12 SWNE 40
40 ACRES TOTAL

STOCKWATER Within Owyhee County
T01S R03W S12 SWNE

USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 643.0 ACRES IN A SINGLE
IRRIGATION SEASON.

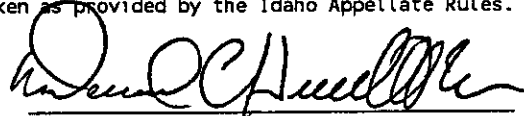
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DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication