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Department of Water Resources

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

AMENDED ORDER OF PARTIAL DECREE

For Water Right 51-02005

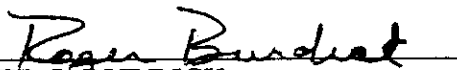
On July 10, 2002, an *Order of Partial Decree* was incorrectly issued for subcase 36-02005 instead of 51-02005.

On May 20, 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 51-02005 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 11, 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 51-02005

2002 JUL 10 PM 2:21

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *RS RS*

NAME AND ADDRESS: THREE CREEK RANCH COMPANY
PO BOX 27
BOISE, ID 83707

SOURCE: DEER CREEK TRIBUTARY: THREE CREEK
UNNAMED STREAM DEER CREEK

QUANTITY: 1.22 CFS
156.70 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 8.38 CFS. NOR A TOTAL COMBINED
ANNUAL VOLUME OF 1040.8 AFY. COMBINED RIGHT NOS.: 51-124, 51-125
51-126, 51-127, 51-2005, 51-2103.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED MAXIMUM ANNUAL DIVERSION VOLUME OF 841.8 AFY AT
THE FIELD HEADGATE. COMBINED RIGHT NOS.: 51-124, 51-125, 51-126,
51-127, 51-2005.

PRIORITY DATE: 02/15/1925

POINT OF DIVERSION: T15S R11E S26 SESE Within Owyhee County
S35 NWNE
SENE
NWNW
SESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.22 CFS
			136.50 AFY
	Stockwater	01-01 TO 12-31	0.35 CFS
			20.20 AFY

PLACE OF USE:	Irrigation	Within Owyhee County
	T15S R11E S26	SWSW 25.0
		SESW 13.0
		SWSE 24.2
		SESE 7.0
	S27	SESE 15.0
	S34	NENE 2.4
		NWNE 15.9
		SWNE 22.0
		NENW 7.5
		SESW 10.2
		NESW 15.7
		SESW 4.5
		NWSE 6.5
		SWSE 2.5
	S35	NENE 14.3
		NWNE 0.3
		SWNE 18.0
		SENE 2.6
		NENW 19.8
		NWNW 12.7
		SESW 1.4
	240.5 Acres Total	

Stockwater	Within Owyhee County
T15S R11E S26	SESW
	SESE
S27	SESE
S34	NENE
	NWNE
	NENW
	NESW
	NWSE
	SESW
	SWSE

PLACE OF USE (continued)

S35	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SENW	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 39 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 240.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-00124, 51-00125, 51-00126, 51-00127, 51-2005.

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.

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 JUL 10 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): 51-02005

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 51-02005 was mailed
on July 10, 2002, with sufficient first-class postage prepaid
to the following:

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

THREE CREEK RANCH COMPANY
PO BOX 27
BOISE, ID 83707

ROBBIN GLATZ
Chief Deputy Clerk