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Department of Water Resources

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 21 2002	
By _____	Clerk
_____	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

ORDER OF AMENDED PARTIAL DECREE

For Water Right 51-10220

On January 30, 1998, this Court entered a *Partial Decree* in the above-captioned subcase, adjudicating to the Claimant, Janet O’Crowley, .01 cfs from Murphy Hot Springs for year ‘round domestic use, with a priority date of May 15, 1971. On August 13, 2001, O’Crowley filed a *Motion to Amend the Partial Decree* for water right 51-10220, seeking a June 20, 1885, priority date. The *Motion* was originally filed in subcase 51-04037, wherein O’Crowley is a party respondent and is alleging in that subcase *inter alia*, wrongful interference with the diversion works and use of water right 51-10220. Water rights 51-04037 and 51-10220 share a common source.

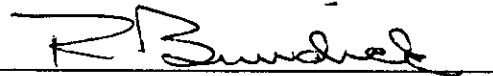
A *Special Master’s Report and Recommendation* was entered on August 14, 2001, recommending the *Partial Decree* for water right 51-10220 be set aside and amended to reflect the June 20, 1885, priority date. On October 9, 2001, this Court entered an *Order Setting Aside Partial Decree*. On November 2, 2001, the Idaho Department of Water Resources filed an *Amended Director’s Report Subcase No. 51-10220*, recommending a priority date of June 20, 1885. No objections were filed.

On March 11, 2002, a *Special Master’s Report and Recommendation* was filed recommending the June 20, 1885, priority date. No Challenges were filed to the *Special Master’s 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 51-10220 is hereby decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: 6-11-02



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)
_____)

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

Water Right 51-10220

DISTRICT COURT-SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN 21 2002	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: JANET O'CROWLEY
16 STUBB RD
CAREY, ID 83320-5026

SOURCE: MURPHY HOT SPRING TRIBUTARY: JARBRIDGE RIVER, EAST FORK

QUANTITY: 0.01 CFS

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

PRIORITY DATE: 06/20/1885

POINT OF DIVERSION: T16S R09E S24 NWNW Within Owyhee County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.01 CFS

PLACE OF USE: Domestic Within Owyhee County
T16S R09E S24 NWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT 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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication