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Department of Water Resources

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2003 JAN 6 AM 11 29

**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 Rights 43-10434, 43-10627, 43-12958,  
43-12959, 43-12976, 43-12977, 43-12978,  
43-12979, 43-12980, 43-12981, 43-12982,  
43-12983, 43-12984 and 43-12985**

On October 9, 2002, a *Special Master's Report and Recommendation* was filed for the above water rights. 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 rights 43-10434, 43-10627, 43-12958, 43-12959, 43-12976, 43-12977, 43-12978, 43-12979, 43-12980, 43-12981, 43-12982, 43-12983, 43-12984 and 43-12985 are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED January 6, 2003



ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

2003 JAN 6 AM 11 30

In Re SRBA

Case No. 39576

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

Water Right 43-12983

NAME AND ADDRESS:

CLETA WHITAKER  
DENTON WHITAKER  
2145 S 2350 E  
MALTA, ID 83342

SOURCE:

RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY:

0.224 CFS

PRIORITY DATE:

04/01/1871

POINT OF DIVERSION:

T14S R27E S20

NWNWSW

Within Cassia County

THE POINT OF DIVERSION DESCRIBED ABOVE REPRESENTS AN UNUSED FACILITY DUE TO INFREQUENT AVAILABILITY OF WATER. BEFORE THIS RIGHT MAY BE DIVERTED THE WATER USER MUST FILE A TRANSFER TO ESTABLISH AN ACTIVE POINT OF DIVERSION, OR SHOW THAT AN EASEMENT AND MEANS TO CONVEY WATER FROM THE DIVERSION TO THE PLACE OF USE EXISTS.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE  
Irrigation

PERIOD OF USE  
03-15 TO 11-15

QUANTITY  
0.224 CFS

PLACE OF USE:

Irrigation

T14S R27E S08

SWNW 6.5  
NESW 40.0  
SWSW 39.0  
NESE 39.0  
SWSE 40.0

Within Cassia County  
SENW 8.8  
NWSW 38.0  
SESW 38.0  
NWSE 40.0  
SESE 40.0

329.3 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02294D, 43-10627, 43-12981, & 43-12982, 43-12983, 43-12984, & 43-12985.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02294D, 43-02294G, 43-10289, 43-10425, 43-10434, 43-10627, 43-12958, 43-12959, 43-12976, 43-12977, 43-12978, 43-12979, 43-12980, 43-12981, 43-12982, 43-12983, 43-12984, & 43-12985.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ISSUING PARTIAL DECREE 43-10434 ET AL was mailed on January 06, 2003, with sufficient first-class postage to the following:

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

CLETA WHITAKER  
DENTON WHITAKER  
2145 S 2350 E  
MALTA, ID 83342  
Phone: 208-645-2518