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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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2003 JAN 6 AM 11 29

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-12977

NAME AND ADDRESS: CLETA WHITAKER
DENTON WHITAKER
2145 S 2350 E
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.78 CFS

PRIORITY DATE: 06/01/1879

POINT OF DIVERSION: T14S R27E S17 SESWSW 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 PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-01 1.78 CFS

PLACE OF USE: Irrigation Within Cassia County
T14S R27E S08
SWNW 6.5 SENW 8.8
NESW 40.0 NWSW 38.0
SWSW 39.0 SESW 38.0
NESE 39.0 NWSE 40.0
SWSE 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 200 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-12977, & 43-10434.

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
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