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Department of Water Resources

2000 OCT 31 AM 11:51

FILED
TWIN FALLS CO., IDAHO

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

)

ORDER OF PARTIAL DECREE

)

Case No. 39576

)

For Water Right 32-00090B

)

On July 18, 2000, 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 32-00090B is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED OCT 31 2000.



BARRY WOOD

Administrative District Judge and
Presiding Judge of the
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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 32-00090B

200 OCT 31 AM 11:52

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: BETTY WAGONER
MAC WAGONER
PO BOX 296
DUBOIS, ID 83423

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Department of Water Resources

SOURCE: BIRCH CREEK TRIBUTARY: SINKS

QUANTITY: 0.80 CFS
266.40 AFY

USE OF THIS RIGHT WITH RIGHT NO. 32-00067 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.00 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1088.5 AF.

PRIORITY DATE: 05/10/1886

POINT OF DIVERSION: T09N R30E S05 LOT 03 (SENEW) Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.80 CFS 266.40 AFY

PLACE OF USE:	Irrigation	Within Clark County
	T09N R30E S04 LOT 05 (SWNW) 0.5	NESW 2.0
	LOT 06 (NWSW) 26.0	LOT 07 (SWSW) 37.0
	SESW 25.0	SWSE 0.5
	S05 LOT 06 (SENE) 8.0	LOT 07 (NESE) 15.0
	LOT 07 (SESE) 1.0	
	S09 NWNE 18.0	SWNE 22.0
	NENW 40.0	NWNW 22.0
	LOT 02 (SWNW) 5.0	SENW 39.0
	NESW 27.0	NWSE 23.0
	311.0 Acres Total	

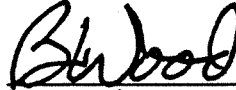
NONE OF THE PLACE OF USE FOR THIS WATER RIGHT INCLUDES
FEDERAL PUBLIC LAND.

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.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

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DISTRICT COURT - SRBA
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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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CERTIFICATE OF MAILING

Water Right(s): 32-00090B

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 32-00090B was mailed
on October 31, 2000, with sufficient first-class postage prepaid
to the following:

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

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

BETTY WAGONER
MAC WAGONER
PO BOX 296
DUBOIS, ID 83423
Phone: 208-374-5415

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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10/31/00