

2002 MAY -1 AM 9:35  
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**

)  
) **ORDER OF PARTIAL DECREE**  
)  
)

**For Water Right 31-00129**

On March 21, 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 31-00129 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 1, 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 )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 31-00129

2002 MAY -1 AM 9:36

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

NAME AND ADDRESS: BEVERLY LENT  
533 HOLLEY ST  
SHELLEY, ID 83274

SOURCE: THOMAS CREEK TRIBUTARY: BEAVER CREEK

QUANTITY: 0.80 CFS

FACILITY VOLUME 2 AF.

PRIORITY DATE: 10/15/1896

POINT OF DIVERSION: T12N R36E S14 NWSWSW Within Clark County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE     | PERIOD OF USE  | QUANTITY |
|-------------------------------|--------------------|----------------|----------|
|                               | Recreation         | 01-01 TO 12-31 | 0.20 CFS |
|                               | Recreation Storage | 01-01 TO 12-31 | 2.00 AFY |
|                               | Stockwater         | 04-15 TO 10-15 | 0.02 CFS |
|                               | Irrigation         | 05-01 TO 10-31 | 0.60 CFS |

|               |                            |           |                     |
|---------------|----------------------------|-----------|---------------------|
| PLACE OF USE: | Irrigation                 |           | Within Clark County |
|               | T12N R36E S14              | SWSW 21.0 |                     |
|               | S23                        | NWNW 1.4  |                     |
|               | 22.4 Acres Total           |           |                     |
|               | Stockwater                 |           | Within Clark County |
|               | Same as Recreation Storage |           |                     |
|               | Recreation                 |           | Within Clark County |
|               | T12N R36E S14              | SWSW      |                     |
|               | Recreation Storage         |           | Within Clark County |
|               | T12N R36E S14              | SWSW      |                     |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 22.4 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-129, 31-130

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.



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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

2002 MAY 01 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 )

CERTIFICATE OF MAILING

Case No. 39576 )  
\_\_\_\_\_ )

Water Right(s): 31-00129

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 31-00129 was mailed  
on May 01, 2002, with sufficient first-class postage prepaid  
to the following:

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

UNITED STATES OF AMERICA  
Represented by:  
DAVID NEGRI  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATURAL RESOURCE  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

BEVERLY LENT  
533 HOLLEY ST  
SHELLEY, ID 83274  
Phone: 208-357-3551

ROBBIN GLATZ  
Chief Deputy Clerk

CERTIFICATE OF MAILING

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05/01/02