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Department of Water Resources

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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

ORDER OF PARTIAL DECREE

Case No. 39576

For Water Right 33-10086

On November 30, 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 33-10086 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JAN 16 2001.



ROGER BURDICK  
Presiding Judge of the  
Snake River Basin Adjudication

MICROFILMED  
DEC 11 2003

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 33-10086

2001 JAN 16 PM 2:21

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: BLAINE COUNTY CANAL CO  
HC 65 BOX 1058  
HOWE, ID 83244

SOURCE: SAWMILL CREEK TRIBUTARY: LITTLE LOST RIVER

QUANTITY: 5.30 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED  
AT THE POINT OF MEASUREMENT IN T10N R26E SECTION 12 NESW.

PRIORITY DATE: 04/01/1927

POINT OF DIVERSION: T06N R28E S11 NENW (Rediversion) Within Butte County  
T10N R27E S18 NWSEW

POINT OF REDIVERSION FROM LITTLE LOST RIVER.

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 5.30 CFS |

| PLACE OF USE: | Irrigation    | Within Butte County |
|---------------|---------------|---------------------|
|               | T06N R28E S25 | SENE 40.0           |
|               |               | NENW 40.0           |
|               |               | NESW 40.0           |
|               |               | NESE 40.0           |
|               |               | NWSE 40.0           |
|               | R29E S14      | SWSW 39.0           |
|               | S15           | NESW 40.0           |
|               |               | SWSW 39.0           |
|               |               | SESE 40.0           |
|               |               | NWSE 40.0           |
|               |               | SESE 39.0           |
|               | S17           | NENE 38.0           |
|               |               | NWNE 39.0           |
|               |               | SENE 39.0           |
|               |               | NWSE 40.0           |
|               |               | SESE 38.0           |
|               | S19           | NENE 38.0           |
|               |               | NWNE 38.0           |
|               |               | SENE 38.0           |
|               |               | NWNW 35.0           |
|               |               | SENE 38.0           |
|               |               | NWSE 40.0           |
|               |               | SESE 40.0           |
|               | S21           | NENE 40.0           |
|               |               | NWNE 40.0           |
|               | S22           | SESE 38.0           |
|               |               | NWNE 40.0           |
|               |               | SENE 40.0           |
|               |               | NWNW 40.0           |
|               |               | SENE 40.0           |
|               |               | NWNE 40.0           |
|               | S23           | SESE 40.0           |
|               |               | NENE 11.0           |
|               |               | NWNE 40.0           |
|               |               | SENE 39.0           |
|               |               | NWNW 33.0           |
|               |               | SENE 39.0           |
|               |               | NWSE 40.0           |
|               |               | SESE 39.0           |
|               |               | NWSE 40.0           |
|               |               | SESE 39.0           |
|               |               | NWSE 40.0           |
|               |               | SESE 39.0           |

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

|          |           |           |
|----------|-----------|-----------|
| S24      | NENE 40.0 | NWNE 40.0 |
|          | SWNE 40.0 | SENE 40.0 |
|          | NENW 40.0 | SWNW 40.0 |
|          | SESW 40.0 | NESW 40.0 |
|          | NWSW 39.0 | SWSW 39.0 |
|          | SESW 39.0 | NESE 40.0 |
|          | NWSE 40.0 | SWSE 40.0 |
| S25      | SESE 40.0 |           |
|          | NENE 40.0 | NWNE 40.0 |
|          | SWNE 40.0 | SENE 39.0 |
|          | NENW 40.0 | NWNW 40.0 |
| S26      | SWNW 40.0 | SESW 40.0 |
|          | NENE 40.0 | NWNE 40.0 |
|          | SWNE 40.0 | SENE 40.0 |
|          | NENW 39.0 | NWNW 39.0 |
|          | SWNW 39.0 | SESW 40.0 |
|          | NESE 39.0 | NWSE 40.0 |
|          | SWSE 39.0 | SESE 36.0 |
| S27      | NWNE 40.0 | SWNE 40.0 |
|          | NENW 40.0 | NWNW 35.0 |
|          | SWNW 40.0 | SESW 40.0 |
| S28      | NESW 40.0 | NWSW 40.0 |
|          | SWSW 40.0 | SESW 40.0 |
| S29      | NENE 35.0 | NWNE 39.0 |
|          | SWNE 40.0 | SENE 39.0 |
|          | NENW 40.0 | NWNW 40.0 |
|          | SWNW 40.0 | SESW 40.0 |
|          | NESW 40.0 | NWSW 38.0 |
| S33      | SWSW 39.0 | SESW 39.0 |
|          | NENW 40.0 | NWNW 40.0 |
| S34      | SWNW 39.0 | SESW 40.0 |
|          | NENW 39.0 | NWNW 38.0 |
| S35      | SWNW 39.0 | SESW 40.0 |
|          | NENE 38.0 | NWNE 39.0 |
| R30E S19 | SWNE 40.0 | SENE 39.0 |
|          | NWNE 15.0 | SWNE 40.0 |
|          | NESW 40.0 | NWSW 40.0 |
|          | SWSW 40.0 | SESW 40.0 |
|          | NESE 40.0 | NWSE 40.0 |
| S20      | SWSE 34.0 | SESE 39.0 |
|          | SWSW 40.0 | SESW 38.0 |
| S29      | NENW 40.0 | NWNW 40.0 |
|          | SWNW 40.0 | SESW 40.0 |
| S30      | NENE 39.0 | NWNE 39.0 |
|          | SWNE 40.0 | SENE 40.0 |
|          | NENW 40.0 | NWNW 40.0 |
|          | SWNW 40.0 | SESW 40.0 |

6198.0 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4,880 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00003, 33-00004, 33-00005, 33-00068, 33-00075, 33-00077, 33-00098.

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

2001 JAN 17 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 )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 33-10086

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 33-10086 was mailed  
on January 17, 2001, 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

BLAINE COUNTY CANAL CO  
HC 65 BOX 1058  
HOWE, ID 83244  
Phone: 208-767-3203

DIANA DELANEY  
Chief Deputy Clerk

CERTIFICATE OF MAILING

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01/16/01

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DEC 11 2003