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MAY 29 2001

Department of Water Resources

2001 MAY 24 PM 1:50

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 AMENDED PARTIAL DECREE

For Water Right 34-00074

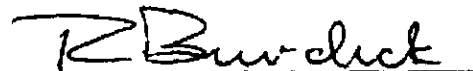
On May 2, 1997, a *Partial Decree Pursuant to I.R.C.P. 54(b)* was issued for the above water right.

On June 24, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigation District v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions* which included a recommendation for the irrigation season of use for this water right.

On July 30, 1999, claimant Charles W. Burgess filed an objection to the General Provisions 2 and 3. No objections were filed to the season of use. On May 9, 2001, this court issued an *Order of Partial Decree for General Provisions in Administrative Basin 34*.

Therefore, IT IS ORDERED that the *Partial Decree* for water right 34-00074 is hereby amended as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 24, 2001.



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

MICROFILMED

MAY 21 2003

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

AMENDED

In Re SRBA)
Case No. 39576)

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

Water Right 34-00074

2001 MAY 24 PM 1:50

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: CHARLES W BURGESS
ROUTE 1 BOX 28
MACKAY, ID 83251

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 2.40 CFS

USE OF THIS RIGHT WITH RIGHT NO. 34-02464 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.75 CFS.

PRIORITY DATE: 06/30/1904

POINT OF DIVERSION: T07N R24E S34 SENWMW Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	2.40 CFS

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE
EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING
DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF
THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

PLACE OF USE: Irrigation Within Custer County
T06N R25E S05 LOT 03 (NENW)49.0 LOT 04 (NWNW)46.0
SENW 23.0
118.0 Acres Total

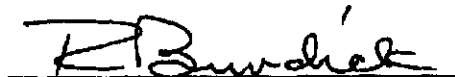
USE OF THIS RIGHT WITH RIGHT NO. 34-02464 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 18 ACRES IN A SINGLE
IRRIGATION SEASON.

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

MICROFILMED

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-00074

MAY 21 2003

PAGE 1
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Department of Water Resources
Adjudication Bureau

MAY 12 1997 2 11 9:27

COURT-SRBA
OF 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

Case No. 39576

) ORDER OF PARTIAL DECREE

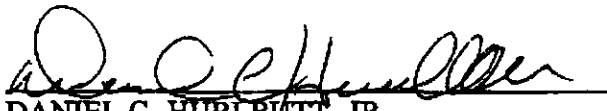
) For Water Right 34-00074

On March 11, 1997, 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 14a, 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 34-00074 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 2, 1997.



DANIEL C. HURLBUTT, JR.

Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE
4/28/97

MICROFILMED

MAY 21 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 34-00074

NAME & ADDRESS: CHARLES W BURGESS
RT 1
MACKAY ID 83251

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 2.4 CFS

USE OF THIS RIGHT WITH RIGHT NO. 34-02464 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.75 CFS.

PRIORITY DATE: 06/30/1904

POINT OF DIVERSION: T07N R24E S34 SENWNW Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	2.4 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T06N R25E S05 Lot 3 (NENW) 49.0 Lot 4 (NNW) 46.0 SENW 23.0
118.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-02464 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 118 ACRES IN A SINGLE
IRRIGATION SEASON.

DATED: MAY 2 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

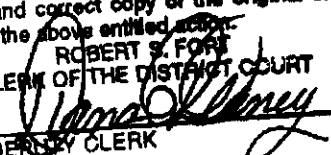
RULE 54(b) CERTIFICATE

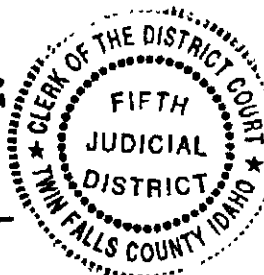
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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.

DATED: MAY 2 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-00074

State of Idaho ss.
County of Twin Falls
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled cause.
ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK



PAGE 1
APR-16-1997

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MAY 2 2003

Notice to Mailer of Correction in Address

Addressee's Account Number (All numbers, dates, and letters)

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DEC - 6 2002
☐ No account number on mail
☐ Account number illegible

Addressee's Name

Charles Burgess

Department of Water Resources

Old Address (Include apartment or suite number)

3344 N 200E

City, State, and ZIP Code

Castleford, Id 83321

New Address (Include apartment or suite number)

3A-246A, 3A-74, 3A-10077

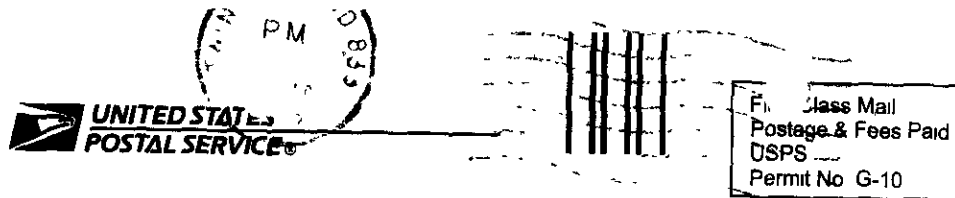
City, State, and ZIP Code

This card is furnished: ☐ For address correction, as requested (your mailpiece was forwarded)
☐ In place of Form 3579 (see reason for nondelivery below)

The address portion of your mailpiece was not readily detachable Reason for nondelivery

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State of Id Dept of Water
Resources

1301 North Orchard St

P.O. BOX 83720

Boise, ID 83720-0098



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

April 4, 2002

KARL J. DREHER
DIRECTOR

GARY KIMBALL
PO BOX 273
MACKAY ID 83251

RE: Snake River Basin Adjudication (SRBA)
Water Rights #34-74, 34-2464 & 34-10077

Dear Water Right Holder:

We have been advised you are the current owner of the property and water rights referenced above. Before we can modify our records to reflect your ownership of the property and water rights referenced above, we need Form 42-248/42-1409(6) completed and returned. I have enclosed this form for your use.

Please note Item 8 in the instructions of the ownership change form. Since these water rights have been partially-decreed, there is a \$25.00 ownership change fee per water right due. Please submit this fee with the ownership change form and supporting documents.

I have enclosed a copy of the partial decrees for the water rights you acquired for your property, which you may keep for your records. The name on the partial decree does not change; however, once we receive your ownership change, you will be in our records as the current owner of the water right.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region:W.A.
Enclosures:

Copy of Partial Decrees Referenced Above
Form 42-248/42-1409(6)

MICROFILMED
MAY 21 2003