

RECEIVED

MAY 22 2002

Department of Water Resources

2002 MAY 20 PM 4:15

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED 7/1/02

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 33-07015**
)

On March 12, 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 33-07015 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED May 20, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA)
Case No. 39576)

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

Water Right 33-07015

MAY 17 2002

By

[Signature]

Clerk

Deputy Clerk

NAME AND ADDRESS: PANCHERI INC
C/O HOLDEN KIDWELL
HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

SOURCE: GROUNDWATER

QUANTITY: 1.77 CFS
750.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.98 CFS. AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 997.5 AF. COMBINED RIGHT NOS.:
33-84, 33-85, 33-7015, 33-10998.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 18.73 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 3927.0 AF. COMBINED RIGHT NOS.: 33-84, 33-85,
33-90E, 33-2065, 33-2066A, 33-2066B, 33-7015, 33-7202, 33-10070,
33-10998.

USE OF THIS RIGHT WITH RIGHT NO. 33-7202 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1666 AF.

PRIORITY DATE: 05/22/1972

POINT OF DIVERSION: T09N R27E S09 NWSENW Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.77 CFS 750.00 AFY

PLACE OF USE:	Irrigation	Within Butte County
T09N R27E S09	SWNW 40.0	SENE 37.0
	NESW 34.0	NWSW 34.0
	SWSW 34.0	SESE 34.0
S16	NENW 34.0	NWNW 34.0
	SWNW 34.0	SENE 34.0
	NESW 34.0	NWSW 34.0
	SWSW 34.0	SESE 34.0
S21	NENW 34.0	NWNW 34.0
	SWNW 34.0	SENE 34.0
	NESW 34.0	NWSW 34.0
	SWSW 34.0	SESE 34.0
S28	NENW 34.0	NWNW 34.0
	SWNW 34.0	SENE 34.0
	NESW 34.0	NWSW 34.0
	SWSW 34.0	SESE 34.0
S33	NWNE 12.0	SWNE 11.0
	NENW 40.0	SENE 30.0
	1122.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 33-7202 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 476 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 285 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 33-84, 33-85, 33-7015, 33-10998.

PLACE OF USE (continued)

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1122 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-84, 33-85, 33-90E, 33-2065, 33-2066A, 33-2066B, 33-7015, 33-7202, 33-10070, 33-10998.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 249 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUND WATER DIVERTED UNDER THIS RIGHT AND SHALL ONLY DIVERT GROUND WATER UNDER THIS RIGHT WHEN WATER FROM THE APPURTENANT SURFACE WATER RIGHTS CANNOT BE DELIVERED TO THE RIGHT HOLDER.

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

2002 MAY 20 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): 33-07015

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 33-07015 was mailed
on May 20, 2002, with sufficient first-class postage prepaid
to the following:

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

PANCHERI INC
Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/20/02