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JUN 12 2001

Department of Water Resources
Adjudication Bureau

2001 JUN -8 PM 3:43

FILED 99 SRBA
TWIN FALLS, 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 AMENDED PARTIAL DECREE

For Water Right 34-00897

On June 18, 1992, the Idaho Department of Water Resources (IDWR) filed its *Director's Report, Part 1, For Basin 34 (Big Lost River Basin)*, which included a recommendation for the above water right. On February 26, 1993, the United States filed an *Objection* to this recommendation but withdrew the *Objection* on June 21, 1993. After the time period expired for filing objections a *Partial Decree* was issued on December 9, 1997.

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. No objections were filed to the *Supplemental Director's Report* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that water right 34-00897 is hereby **amended** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JUN 08 2001



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

AMENDED

In Re SRBA

Case No. 39576

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

Water Right 34-00897

2001 JUN -8 PM 3:43
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS:

PENNY HAWKINS
RT 1 BOX 91 A
MOORE, ID 83255

PHYLLIS JONES
RT 1 BOX 91 B
MOORE, ID 83255

SOURCE:

BIG LOST RIVER

TRIBUTARY: SINKS

QUANTITY:

0.07 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.77 CFS.
COMBINED RIGHT NOS.: 34-00028D, 34-0061C, 34-00373C, 34-00891A,
34-00892C, 34-00898, 34-02409A AND 34-12034A.

PRIORITY DATE:

06/01/1896

POINT OF DIVERSION:

T05N R26E S04

NWSESE

Within Butte County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
05-01 TO 10-15

QUANTITY
0.07 CFS

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE
EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING
DATE OF 4-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF
THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES.

PLACE OF USE:

Irrigation

T05N R26E S22

NESE 35.0

70.0 Acres Total

Within Butte County

SESE 35.0

USE OF THIS RIGHT WITH RIGHT NOS. 34-00028D AND 34-00898 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 70 ACRES IN A
IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 132 ACRES IN A SINGLE
IRRIGATION SEASON.

COMBINED RIGHT NOS.: 34-00028D, 34-00061C, 34-00373C, 34-00891A,
34-00892C, 34-00898, 34-02409A AND 34-12034A.

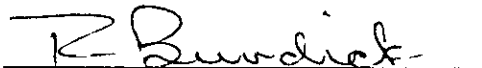
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3.5 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

A handwritten signature in black ink, appearing to read "R. Burdick", is written over a horizontal line.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE was mailed on June 08, 2001, with sufficient first-class postage to the following:

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

PENNY HAWKINS
RT I BOX 91 A
MOORE, ID 83255
Phone: 208-554-3943

PHYLLIS JONES
RT 1 BOX 91 B
MOORE, ID 83255
Phone: 208-554-4833

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 34-00897

1997 DEC -9 AM 9:35

DISTRICT COURT-5TH JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: LLOYD E JENSEN
BOX 91
MOORE ID 83255

PENNY HAWKINS
RT 1 BOX 91A
MOORE ID 83255

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 0.07 CFS

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.77 CFS.
COMBINED RIGHT NOS.: 34-00028D, 34-00061C, 34-00373C, 34-00891A,
34-00892C, 34-00898, 34-02409A AND 34-12034A.

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION: T05N R26E S04 NWSESE Within BUTTE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.07 CFS

PLACE OF USE:	IRRIGATION	Within BUTTE County
	T05N R26E S22	NESE 35 SESE 35
	70 ACRES TOTAL	

USE OF THIS RIGHT WITH RIGHT NOS. 34-00028D AND 34-00898 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 70 ACRES IN A
SINGLE IRRIGATION

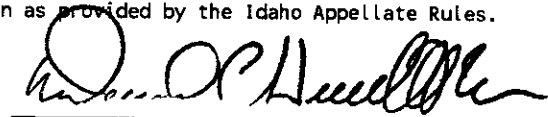
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34-00892C, 34-00898, 34-02409A AND 34-12034A.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3.5 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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