

MAY 30 2001

2001 MAY 29 AM 6:51

WIN FALLS CO., IDAHO
FILED

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right 34-00872A

DATED MAY 29 2001

R. Burdick

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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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-00872A

2001 MAY 29 AM 6:51
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: DIXIE WHITWORTH
SCOTT WHITWORTH
PO BOX 147
MAY, ID 83255

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 2.00 CFS

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 23.94 CFS.

THE PORTION OF THIS RIGHT FOR STOCKWATER PURPOSES MAY BE
COMBINED RIGHT NOS.: 34-00116A, 34-02321, 34-07015, 34-10729,
34-10763, 34-10765 AND 34-10767.

THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED
ABOVE FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT IN
T06N, R25E, S34, S1/4.

PRIORITY DATE: 02/18/1885

POINT OF DIVERSION: T07N R24E S33 SWNE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	2.00 CFS
	Stockwater	01-01 TO 12-31	1.00 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 DEPARTMENT OF WATER RESOURCES.

PLACE OF USE:	Irrigation	Within Butte County
	T05N R25E S02 LOT 02 (NWNE)33.0	SWNE 40.0
		Within Custer County
	LOT 03 (NENW)37.0	LOT 04 (NWNW)39.0
		SENE 33.0
	T06N R25E S25	SWSW 9.0
	S26	SESW 17.0
		SWSE 39.0
		SESE 30.0
	S34 LOT 01 (NENE)28.0	NWNE 39.0
		SWNE 40.0
		SENE 35.0
		SENE 40.0
	LOT 03 (NESE)39.0	NWSE 40.0
	LOT 04 (SESE)39.0	
	S35	NENW 37.0
		NWNW 38.0
		SENE 40.0
		NWSE 40.0
		SESE 40.0
	936.0 Acres Total	
	Stockwater	Within Custer County
	T05N R25E S02	SWNW
	T06N R25E S34	SENE
		NWSE
		SESE

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 936 ACRES IN A SINGLE

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

PLACE OF USE (continued)

IRRIGATION SEASON.

COMBINED RIGHT NOS.: 34-00116A, 34-02321, 34-07015, 34-10729,
34-10763, 34-10765 AND 34-10767.

THIS RIGHT IS LIMITED TO IRRIGATION OF 100 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

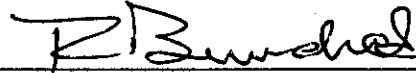
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE 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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication