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MAY 29 2001

Department of Water Resources

2001 MAY 24 PM 1:50

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

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

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
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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 SENWNW 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

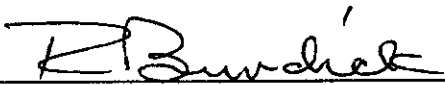
USE OF THIS RIGHT WITH RIGHT NO. 34-02464 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 18 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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MAY 09 1997

Department of Water Resources
Adjudication Bureau

MAY -2 AM 9:27

COUNTY 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

) 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

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
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
2.4 CFS

PLACE OF USE: IRRIGATION

Within CUSTER County

T06N R25E S05 Lot 3 (NENW) 49.0 Lot 4 (NWNW) 46.0
118.0 ACRES TOTAL

SENEW 23.0

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.

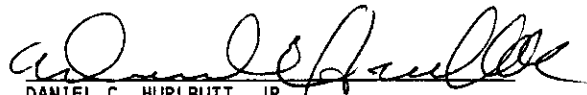
DATED: MAY 2 1997


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

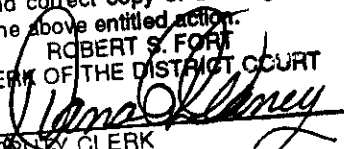
RULE 54(b) CERTIFICATE

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

