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Office of Water Resources

2001 MAY 22 AM 10:26

5th 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 PARTIAL DECREE**

**For Water Right 34-07059C**

On February 19, 1999, 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.

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 to this Supplemental Report were filed and the time period for filing objections has now expired.

Therefore, IT IS ORDERED that water right 34-07059C is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED                       
MAY 22 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

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 34-07059C

2001 MAY 22 AM 10:26  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: MARC T HANSEN  
TEENA HANSEN  
RT 1 BOX 63A  
MOORE, ID 83255

SOURCE: GROUNDWATER

QUANTITY: 2.64 CFS

USE OF THIS RIGHT WITH RIGHTS 34-07122B AND 34-07154 IS  
LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2501.1 AF.  
THIS RIGHT AND RIGHTS 34-07059B AND 34-07059D ARE LIMITED TO A  
TOTAL COMBINED RATE OF DIVERSION OF 17.72 CFS.

PRIORITY DATE: 01/15/1974

POINT OF DIVERSION: T04N R26E S17 NWSWSW Within Butte County  
S20 SESESE  
S21 SWSWSE  
S28 SWSWNE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-15 TO 10-15 | 2.64 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 |
|---------------|---------------------------------|---------------------|
|               | T03N R26E S06 LOT 05 (SWSW) 5.0 | SESW 10.9           |
|               | S07 NWNE 11.8                   | SWNE 6.5            |
|               | NENW 40.0                       | NWNW 35.0           |
|               | SWNW 27.0                       | SENW 37.4           |
|               | 173.6 Acres Total               |                     |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 132.0 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 173.6 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-02272A, AND 34-02308A.  
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 714.6 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-02272A, 34-02308A  
34-07122B, AND 34-07154.

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