

200 NOV 13 PM 1:14

FILED
TWIN FALLS, IDAHO
SRBA

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 34-04008

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 Irrigaion 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 34-04008 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED NOV 13, 2000.



BARRY WOOD
Administrative District Judge and
Presiding Judge of the
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 34-04008

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FILED
TWIN FALLS, IDAHO

NAME AND ADDRESS: PARKINSON FARMS
2253 NORTH 3100 WEST
ARCO, ID 83213

SOURCE: GROUNDWATER

QUANTITY: 2.60 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 34-02497, 34-02505 AND
34-02506 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
5.32 CFS.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 21.62 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 3784.0 AF.
COMBINED RIGHT NOS.: 34-00635, 34-02289, 34-02313, 34-02490,
34-02497, 34-02505, 34-02506, 34-07145, 34-07176, 34-10393 AND
34-12368.

PRIORITY DATE: 04/01/1967

POINT OF DIVERSION: T03N R26E S11 NWNESE Within Butte County
NENESE

TWO POINTS OF DIVERSION LOCATED IN T03N, R26E, S11, NENESE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.60 CFS

PLACE OF USE:	Irrigation	Within Butte County
T03N R26E S10	NESE 20.0	SESE 37.0
S11	NENE 7.0	SWNE 34.0
	SENE 37.0	SWNW 7.0
	SENW 21.0	NESW 40.0
	NWSW 40.0	SWSW 40.0
	SESW 40.0	NESE 38.0
	NWSE 40.0	SWSE 40.0
	SESE 39.0	

480.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NOS. 34-02497, 34-02505 AND
34-02506 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 472
ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 34-00635, 34-02289,
34-02490, 34-02497, 34-02505, 34-02506, 34-07145 AND 34-10393 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 786 ACRES IN A
SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 885 ACRES IN A SINGLE
IRRIGATION SEASON.

COMBINED RIGHT NOS.: 34-00635, 34-02289, 34-02313, 34-02490,
34-02497, 34-02505, 34-02506, 34-07145, 34-07176, 34-10393 AND
34-12368.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 200 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

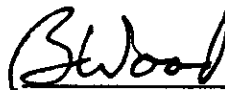
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 NOV 13 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): 34-04008

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 34-04008 was mailed
on November 13, 2000, with sufficient first-class postage prepaid
to the following:

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

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

DIANA DELANEY
Chief Deputy Clerk