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Department of Water Resources

200 NOV -1 AM 11:08
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 34-04005B**

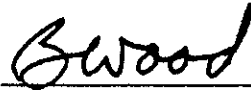
On June 14, 2000, a *Special Master's Report and Recommendation* was filed for the above water right. No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing challenges has now expired.

On October 3, 1997, the Idaho Supreme Court ordered that the "period of use" element of an irrigation water right must contain a date specifically defining irrigation season of use. Pursuant to the Opinion, the Idaho Department of Water Resources filed with this Court *Supplemental Director's Reports, Reporting Area 1, IDWR Basin 34* on August 5, 1999, which revised the period of use for irrigation water rights and contained conjunctive management general provisions. No objections were filed to the *Supplemental Director's Report*, and the time for filing objections 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*. The *Recommendation* made by the Special Master is adopted, with the exception of the period of use, which has been amended to reflect changes made in the August 5, 1999 *Supplemental Director's Report* and the addition of a conjunctive management general provision.

Therefore, IT IS ORDERED that water right 34-04005B is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED NOV 1 2000.

A handwritten signature in cursive script, appearing to read "B Wood", written over a horizontal line.

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 34-04005B

2000 NOV -1 AM 11:09
DISTRICT COURT OF SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CAROLYN SMITH
WILEY F SMITH
STAR ROUTE
MACKAY, ID 83251

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SOURCE: UNNAMED STREAM

TRIBUTARY: ARENTSON GULCH

Department of Water Resources

QUANTITY: 2.99 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/31/1934

POINT OF DIVERSION: T11N R21E S36 NESE Within Custer County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 11-15	2.80 CFS
Stockwater	01-01 TO 12-31	0.19 CFS

PLACE OF USE:

Irrigation	Within Custer County
T10N R21E S02	NENE 13.0 NWNE 13.0 SENE 14.0 NWSE 16.0 SESE 16.0
S11	NENE 26.0 NWNE 37.0 SENE 6.0 NENW 5.0 SENE 6.0 SENW 8.5

248.0 Acres Total

Stockwater	Within Custer County
T10N R21E S02	NENE NWNE SENE NWSE
S11	NENE

USE OF THIS RIGHT WITH RIGHT 34-04005A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 248 ACRES 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.



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

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2000 NOV 01 PM 02:00
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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

)
)
)
)

CERTIFICATE OF MAILING

Water Right(s): 34-04005B

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 34-04005B was mailed
on November 01, 2000, with sufficient first-class postage prepaid
to the following:

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

STATE OF IDAHO
Represented by:
HARRIET A. HENSLEY
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-4543

CAROLYN SMITH
WILEY F SMITH
STAR ROUTE
MACKAY, ID 83251

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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11/01/00