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JAN 31 2001

Department of Water Resources

2001 JAN 29 PM 11:28

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TWIN FALLS CO., IDAHO

**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

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)
)
ORDER OF PARTIAL DECREE

For Water Right 34-00398

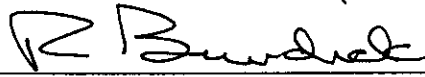
On September 10, 1998, the Idaho Department of Water Resources (IDWR) filed a *Notice of Completed Administrative Proceeding* on a completed transfer and an *Amended Director's Report* with changes to the point of diversion and source. No objection was filed to this *Amended Director's Report* and the time for filing objections has expired.

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.

On June 5, 2000, IDWR filed another *Notice of Completed Administrative Proceeding* on a completed transfer and an *Amended Director's Report* with changes to the point of diversion and place of use. No objection was filed to this *Amended Director's Report*, and the time for filing objections has expired.

Therefore, IT IS ORDERED that water right 34-00398 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JAN 29 2001

A handwritten signature in black ink, appearing to read "R Burdick", written over a horizontal line.

ROGER BURDICK
Presiding Judge of the
Snake River Basin Adjudication

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JAN 31 1999

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Department of Water Resources
In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-00398

2001 JAN 29 PM 11: 28

DEPT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BROKEN RIVER RANCH
C/O RAY E CRAWFORD
5660 W 4920 N
MACKAY, ID 83251

SOURCE: WARM SPRINGS CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 2.00 CFS
354.00 AFY

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

USE OF THIS RIGHT WITH RIGHT NOS. 34-00399 AND 34-07010 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.34 CFS AND A
TOTAL COMBINED DIVERSION VOLUME OF 599.2 AF.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 10.54 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1390.0 AF. COMBINED RIGHT NO.: 34-00398,
34-00399, 34-00861A, 34-00868 AND 34-07010.

PRIORITY DATE: 08/30/1909

POINT OF DIVERSION: T08N R22E S27 NWNESW Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	2.00 CFS 350.00 AFY
	Stockwater	01-01 TO 12-31	0.02 CFS 4.00 AFY

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 Custer County
	T08N R22E S27	SWNW 31.0	SENW 32.0
		NESW 34.4	NWSW 36.0
		SWSW 32.0	SESW 32.0
		SWSE 32.0	SESE 32.0
	S28	NESE 40.0	NWSE 40.0
	S34	NWNE 32.0	NENW 32.0
		NWNW 32.0	
	437.4 Acres Total		

	Stockwater		Within Custer County
	T08N R22E S27	SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		SWSE	SESE
	S28	NESE	NWSE
	S34	NWNE	SWNE
		NENW	NWNW

USE OF THIS RIGHT WITH RIGHT NOS. 34-00399 AND 34-07010 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 168.9 ACRES
IN A SINGLE IRRIGATION SEASON.

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

PLACE OF USE (continued)

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

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 437.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00398, 34-00399, 34-00861A, 34-00868 AND 34-07010.

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.

DIVERSION FROM WARM SPRINGS CREEK IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THE PRIORITY OF THIS RIGHT FROM THE ORIGINAL SOURCE, HAMILTON SPRINGS, IN T08N, R22E, S29, NENE.

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY TRANSFER NO. 5552 BY MARCH 21, 2001.

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

RECEIVED

JAN 31 2001

Department of Water Resources

2001 JAN 30 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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 34-00398

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 34-00398 was mailed
on January 30, 2001, with sufficient first-class postage prepaid
to the following:

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

BROKEN RIVER RANCH
C/O RAY E CRAWFORD
5660 W 4920 N
MACKAY, ID 83251

DIANA DELANEY
Chief Deputy Clerk