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Department of Water Resources

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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 34-00393

On March 27, 1998, 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 34-00393 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 34-00393

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TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: HOLLY C SEEFRIED
WILLIAM A SEEFRIED
4399 HOUSTON RD
MACKAY, ID 83251

SOURCE: WILLOW CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 4.00 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 34-00964 AND 34-07171 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.40 CFS.

PRIORITY DATE: 05/01/1900

POINT OF DIVERSION: T06N R24E S02 NWNWSW Within Custer County
S10 LOT 02 (NWNE)
LOT 08 (NENW)
T07N R24E S33 NWSWNE (Rediversion)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 05-01 TO 10-15 4.00 CFS

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE
EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING
DATE OF 4-20 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
T06N R24E S02 LOT 04 (NWNW) 1.0 SWNW 11.0
S03 LOT 01 (NENE) 1.0 SWNE 35.0
SENE 35.0 NESE 39.0
NWSE 39.0 SWSE 14.0
SESE 14.0
189.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NOS. 34-00964 AND 34-07171 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 189 ACRES IN A
SINGLE IRRIGATION SEASON.

WATER DIVERTED UNDER THIS RIGHT MAY ALSO BE DIVERTED ONTO
UNCULTIVATED PASTURE IN T06N, R24E, S03, SESE AND S10, LOT 2
(NWNE), LOT 3 (NENW) AND LOT 8 (NENW); HOWEVER, THIS ADDITIONAL
USE IS NOT AN APPURTENANCE TO THE UNCULTIVATED PASTURE LAND.

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

ANY APPLICATION FOR TRANSFER PROPOSING TO CHANGE THE POINT OF
DIVERSION, PLACE OF USE, NATURE OF USE, OR PERIOD OF USE OF THIS
RIGHT OR ANY PORTION OF THIS RIGHT SHALL INCLUDE FOR
CONSIDERATION BY IDWR THE ENTIRE USE OF WATER ON THE UNCULTIVATED
PASTURE LAND DESCRIBED IN THIS RIGHT. ACTION TAKEN BY IDWR ON
ANY SUCH TRANSFER APPLICATION MAY INCLUDE MODIFICATION OR
CURTAILMENT OF ALL OR ANY PART OF THE USE OF WATER ON THE
UNCULTIVATED PASTURE LAND.

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

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

OTHER PROVISIONS (continued)

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