

RECEIVED

JUN 25 2001

Department of Water Resources

2001 JUN 22 PM 3:28

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 34-00330L

On February 5, 1997, the Idaho Department of Water Resources (IDWR) filed its *Amended Director's Report* for the above water right recommending that the water right be split from water right 34-00330G. No objections were filed to this recommendation and the time for filing objections has now 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.

Therefore, IT IS ORDERED that water right 34-00330L is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JUN 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 34-00330L

2001 JUN 22 PM 3:28

FILED  
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: ERNEST & DEBORAH TATE  
PO BOX 305  
ARCO, ID 83213

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 0.34 CFS

PRIORITY DATE: 09/01/1898

POINT OF DIVERSION: T04N R26E S26 NWNWNW Within Butte County

|                |                |                |          |
|----------------|----------------|----------------|----------|
| PURPOSE AND    |                |                |          |
| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|                | Irrigation     | 05-01 TO 10-15 | 0.34 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 Butte County  
T03N R27E S06 SENE 11.5  
11.5 Acres Total

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.

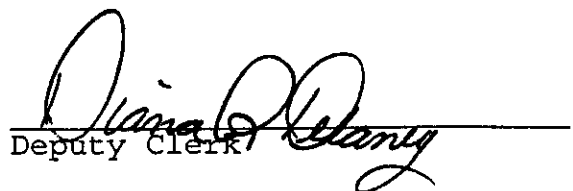
  
\_\_\_\_\_  
Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on June 22, 2001, with sufficient first-class postage to the following:

ERNEST & DEBORAH TATE  
PO BOX 305  
ARCO, ID 83213

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

A handwritten signature in cursive script, appearing to read "Diana P. Blaney", is written over a horizontal line. The signature is located in the bottom right corner of the page, to the right of the printed text "Deputy Clerk".