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Department of Water Resources

2001 FEB -7 AM 8:49

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

SRDA
CO., IDAHO

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

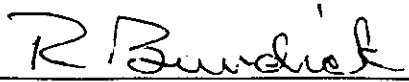
For Water Rights 34-02456C & 34-02456D

On January 23, 1998, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding* on a completed transfer and an *Amended Director's Report* recommending that water right claim 34-02456A be split and decreed as 34-02456C and 34-02456D. 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.

Therefore, IT IS ORDERED that water rights 34-02456C and 34-02456D are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED FEB - 7 2001


ROGER BURDICK
Presiding Judge of the
Snake River Basin Adjudication

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Department of Water Resources

2001 FEB 07 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): 34-02456D

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 34-02456D was mailed
on February 07, 2001, with sufficient first-class postage prepaid
to the following:

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

ALEX CHERIAN
PO BOX 720
KETCHUM, ID 83340
Phone: 208-726-5781

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
02/07/01

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 34-02456D

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FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: ALEX CHERIAN
PO BOX 720
KETCHUM, ID 83340

SOURCE: GROUNDWATER

QUANTITY: 0.30 CFS

USE OF THIS RIGHT WITH RIGHT NO. 34-00269D IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.37 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 42 AF.

PRIORITY DATE: 11/03/1964

PURSUANT TO A CALL IN TIMES OF SCARCITY, THIS RIGHT IS JUNIOR
TO ALL OTHER RIGHTS DIVERTED ABOVE MACKAY RESERVOIR WITH A
PRIORITY DATE BEFORE JULY 21, 1997.

POINT OF DIVERSION: T08N R22E S05 LOT 04 (NWNW) Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.30 CFS

PLACE OF USE: Irrigation Within Custer County
T08N R22E S05 LOT 03 (NENW) 6.5 LOT 04 (NWNW) 5.5
12.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 34-00269D IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 12.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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

DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THOSE TIMES
WHEN WATER IS AVAILABLE FOR DIVERSION UNDER THE PRIORITY OF THIS
RIGHT AT THE ORIGINAL POINT OF DIVERSION IN T07N, R24E, S20,
NWSENE.

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