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FEB - 8 2001

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**

FILED
TWIN FALLS CO., IDAHO

In Re SRBA

Case No. 39576

)
)
)
)

ORDER OF PARTIAL DECREE

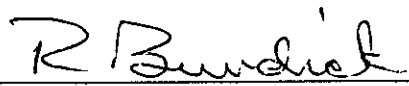
For Water Rights 34-02456C & 34-02456D

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

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 34-02456C

2001 FEB -7 AM 8:49
FILED
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

NAME AND ADDRESS: JAMES P MCKELVEY
PO BOX 240
MACKAY, ID 83251

SOURCE: GROUNDWATER

QUANTITY: 0.25 CFS
35.00 AFY

PRIORITY DATE: 11/03/1964

POINT OF DIVERSION: T07N R24E S20 NWSNW Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.25 CFS 35.00 AFY

PLACE OF USE: Irrigation Within Custer County
T07N R24E S20 SENW 10.0
10.0 Acres Total

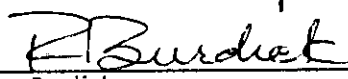
USE OF THIS RIGHT WITH RIGHT NO. 34-00269C IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 10.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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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)

Case No. 39576)

CERTIFICATE OF MAILING

Water Right(s): 34-02456C

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 34-02456C 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

JAMES P MCKELVEY
PO BOX 240
MACKAY, ID 83251
Phone: 208-588-2200

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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02/07/01