

200 NOV 13 PM 1:14

FILED
CLERK OF DISTRICT COURT
TWIN FALLS, 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

)
)
)
)
ORDER OF PARTIAL DECREE

For Water Right 34-02433

On March 4, 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 Irrigaion 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 34-02433 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED NOV 13, 2000.



BARRY WOOD

Administrative District Judge and
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 34-02433

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TWIN FALLS, IDAHO

NAME AND ADDRESS: BYRON PEHRSON
LOY G PEHRSON
ROUTE 1
DARLINGTON, ID 83231

SOURCE: GROUNDWATER

QUANTITY: 2.34 CFS

USE OF THIS RIGHT WITH RIGHT NO. 34-10579 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.12 CFS.

USE OF THIS RIGHT WITH RIGHT NOS. 34-07056, 34-10579 AND
34-04010 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME
OF 2107 AF.

USE OF THIS RIGHT WITH RIGHT NOS. 34-00776, 34-00777,
34-00360A, 34-00479, 34-00605A, 34-00119C, 34-00130, 34-00131A,
34-00132A, 34-00195A, 34-00196A, 34-00197A, 34-04010, 34-07056
AND 34-10579 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
23.04 CFS.

PRIORITY DATE: 08/02/1961

POINT OF DIVERSION: T07N R24E S36 NWSWE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.34 CFS

PLACE OF USE:	Irrigation	Within Custer County
T06N R24E S01	NENE 37.0 SWNE 12.0 NESE 17.0	NWNE 20.0 SENE 38.0
T07N R24E S36	SWSE 38.0	SESE 23.0
R25E S31	SWSW 9.0	
194.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 34-10579 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 194 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 34-00776, 34-00777,
34-00360A, 34-00479, 34-00605A, 34-00119C, 34-00130, 34-00131A,
34-00132A, 34-00195A, 34-00196A, 34-00197A, 34-04010, 34-07056
AND 34-10579 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
904 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 117 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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.

A handwritten signature in black ink, appearing to read "B. Wood", is written over a horizontal line.

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 NOV 13 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): 34-02433

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 34-02433 was mailed
on November 13, 2000, with sufficient first-class postage prepaid
to the following:

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

BYRON PEHRSON
LOY G PEHRSON
ROUTE 1
DARLINGTON, ID 83231
Phone: 208-588-3381

DIANA DELANEY
Chief Deputy Clerk