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Department of Water Resources

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FILED
DISTRICT-SRBA
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 34-02358A

On February 12, 1999, 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 34-02358A is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED NOV 24, 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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-02358A

2000 NOV 24 AM 8:23

POSTED AT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: JUEL AIKELE
ROUTE 1, BOX 63D
MOORE, ID 83255

SOURCE: GROUNDWATER

QUANTITY: 5.60 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 26.31 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 8753.5 AF. COMBINED RIGHT NOS.:
34-02315, 34-02417A, 34-02419A, 34-02429B, 34-02472A AND
34-12419.

THIS RIGHT AND RIGHT NO. 34-02315 ARE LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 12.03 CFS.

PRIORITY DATE: 02/01/1961

POINT OF DIVERSION: T04N R26E S17 NESWSW Within Butte County
SESWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	5.60 CFS

PLACE OF USE:	Irrigation		Within Butte County
	T03N R25E S13	NENE 23.0	NWNE 33.0
		SWNE 37.0	SENE 37.0
		NENW 33.0	SENW 36.0
		NESW 37.0	SESW 19.0
		NESE 39.0	NWSE 40.0
		SWSE 23.0	SESE 6.0
	R26E S05	SWSW 16.7	
	S06	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 39.0
		SWNW 39.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 34.0	SESW 29.0
		NESE 37.0	NWSE 40.0
		SWSE 38.0	SESE 26.0
	S07	NWNE 6.4	SWNE 19.0
		NWNW 4.0	SWNW 12.0
		SENW 2.6	
	T04N R26E S29	NWSW 34.0	SWSW 7.0
	S30	SWNE 6.0	SENE 3.0
		NESE 40.0	SESE 39.0
	S31	NENE 34.0	NWNE 35.0
		SWNE 39.0	SENE 39.0
		NENW 28.0	NWNW 33.0
		SWNW 39.0	SENW 37.0
		NESW 39.0	NWSW 39.0
		SWSW 39.0	SESW 39.0
		NESE 39.0	NWSE 39.0
		SWSE 39.0	SESE 39.0
	1750.7 Acres Total		

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE

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

PLACE OF USE (continued)

IRRIGATION OF 1750.7 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-02315, 34-02417A, 34-02419A, 34-02429B,
34-02472A, 34-12419 AND 34-10036.

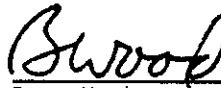
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 210 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.



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

2000 NOV 24 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): 34-02358A

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 34-02358A was mailed
on November 24, 2000, with sufficient first-class postage prepaid
to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

JUEL AIKELE
Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

CERTIFICATE OF MAILING

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11/24/00

BIG LOST RIVER WTR USERS ASSN

Represented by:

WILLIAM R HOLLIFIELD

249 THIRD AVENUE EAST (83301)

PO BOX 66

TWIN FALLS, ID 83303-0066

Phone: 208-734-5610

DIANA DELANEY

Chief Deputy Clerk