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Department of Water Resources

2001 SEP 18 AM 10:02

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO
FILED *MM*

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

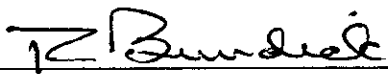
For Water Right 34-02248

On June 18, 1992, the Idaho Department of Water Resources (IDWR) filed its *Director's Report, Part 1, For Basin 34 (Big Lost River Basin)*, which included a recommendation for the above water right. On February 26, 1993, the United States filed an *Objection* to this recommendation but withdrew the *Objection* on June 21, 1993.

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 were filed to the *Supplemental Director's Report* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that water right 34-02248 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED September 17, 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 34-02248

2001 SEP 18 AM 10:02

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *MC*

NAME AND ADDRESS: FRANK L GAMETT
ALICE JUNE GAMETT
PO BOX 907
MOORE, ID 83255

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 0.50 CFS

PRIORITY DATE: 08/06/1924

POINT OF DIVERSION: T05N R26E S04 NWSESE Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	0.50 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
	T05N R26E S21	SENE 39.0
	SWNW 16.0	NESW 24.0
	NESW 24.0	NWSW 3.0
	SESW 23.0	
	105.0 Acres Total	

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CAODE 42-1416A.

WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE DITCH.

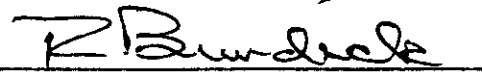
USE OF THIS RIGHT WITH RIGHT NOS. 34-00086 AND THE OTHER RIGHTS
LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
6.23 CFS AND TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF
405 ACRE FEET AND TO THE IRRIGATION OF A COMBINED TOTAL OF 162
ACRES IN A SINGLE IRRIGATION SEASON.

0.52 CFS OF RIGHT NO. 34-02510 IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF RIGHT NOS. 34-00086 AND THE OTHER RIGHTS
LISTED THEREIN.

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 "R. Burdick", is written over a horizontal line.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2001 SEP 18 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *LM*

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): 34-02248

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 34-02248 was mailed
on September 18, 2001, with sufficient first-class postage prepaid
to the following:

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

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

FRANK L GAMETT
ALICE JUNE GAMETT
PO BOX 907
MOORE, ID 83255

Lettie Messick
LETTIE MESSICK
Chief Deputy Clerk