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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS IDAHO
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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 34-13567

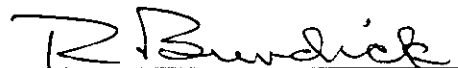
On March 4, 1998, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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 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 34-13567 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 6-4-01



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 34-13567

2001 JUN -4 PM 2: 50

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: SCOTT L. WHITWORTH
BOX 147
MAY, ID 83253

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 4.60 CFS

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
A TOTAL COMBINED DIVERSION RATE OF 23.94 CFS.

COMBINED RIGHT NOS.: 34-00116A, 34-00872A, 34-02321, 34-07015,
34-10729, 34-10763, 34-10765, 34-10767, AND 34-13568.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 8.10 CFS.

COMBINED RIGHT NOS.: 34-00872A, 34-10729, AND 34-13568.

PRIORITY DATE: 05/01/1980

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T07N R24E S33 SWNE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	4.60 CFS

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE
EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING
DATE OF 04-20 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 R25E S02 LOT 02 (NWNE)33.0	SWNE 40.0
	LOT 03 (NENW)37.0	LOT 04 (NWNW)39.0
	SWNW 7.0	SENE 33.0
		Within Custer County
	T06N R25E S25 SWSW 9.0	
	S26 SESW 17.0	SWSE 39.0
	SESE 30.0	
	S34 LOT 01 (NENE)28.0	NWNE 39.0
	SWNE 40.0	LOT 02 (SENE)35.0
	SENE 40.0	NESW 40.0
	LOT 03 (NESE)39.0	NWSE 40.0
	LOT 04 (SESE)39.0	
	S35 NENW 37.0	NWNW 38.0
	SWNW 40.0	SENE 40.0
	NESW 37.0	NWSW 40.0
	SWSW 40.0	SESE 40.0
	936.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 936 ACRES IN A SINGLE
IRRIGATION SEASON.

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

PLACE OF USE (continued)

COMBINED RIGHT NOS: 34-00116A, 34-00872A, 34-02321, 34-07015,
34-10729, 34-10763, 34-10765, 34-10767 AND 34-13568.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NOS. 34-00872A AND 34-10729 PURSUANT TO SECTION 42-1426, IDAHO
CODE.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on June 04, 2001, with sufficient first-class postage to the following:

SCOTT L. WHITWORTH
BOX 147
MAY, ID 83253

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

