

RECEIVED

MAY 10 2001

Department of Water Resources

2001 MAY -9 AM 10:15

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

ORDER OF PARTIAL DECREE

For Water Right 34-12419

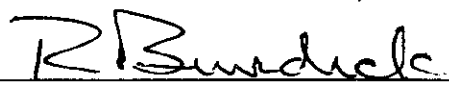
On February 12, 1999, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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 34-12419 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED MAY 09 2001



ROGER BURDICK
Presiding Judge of the
Snake River Basin Adjudication

2001 MAY -9 AM 10:15
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-12419

QUANTITY: 9.31 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.: 34-02358A, 34-02315, 34-02419A, 34-02417A, 34-02472A AND 34-02429B.

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.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	9.31 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	
	S06	
	SWSW 16.7	
	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	SWSW 7.0
	S30	SENE 3.0
	NESE 40.0	SESE 39.0
	S31	NWNE 35.0
	SWNE 39.0	SENE 39.0
	NENW 28.0	NWNW 33.0

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

PLACE OF USE (continued)

SWNW 39.0	SENE 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 IRRIGATION OF 1750.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-02358A, 34-02315, 34-02419A, 34-02417A, 34-02472A, 34-02429B AND 34-10036.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 619.6 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 RIGHT IS BASED AN EXPANSION OF RIGHT NOS. 34-02315, 34-02358A, 34-02417A, 34-02419A, 34-02429B, AND 34-02472A 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

RECEIVED

MAY 10 2001

Department of Water Resources

2001 MAY 09 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): 34-12419

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 34-12419 was mailed
on May 09, 2001, with sufficient first-class postage prepaid
to the following:

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

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

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

CERTIFICATE OF MAILING

PAGE 1
05/09/01