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SEP 19 2001

Department of Water Resources

2001 SEP 18 AM 10:24

FILED
TWIN FALLS, IDAHO
DISTRICT COURT - SRBA

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 AMENDED PARTIAL DECREE

For Water Right 34-00123B

On March 31, 1998, a *Partial Decree Pursuant to I.R.C.P. 54(b)* was issued for the above water right.

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 the *Partial Decree* for water right 34-00123B is hereby **amended** as set forth in the attached *Amended 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)
_____)

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 34-001238

2001 SEP 18 AM 10:24

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: 6X RANCH LLC
PO BOX 12625
FRESNO, CA 93778

SOURCE: WARM SPRINGS CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 1.38 CFS
242.60 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.46 CFS AND A TOTAL ANNUAL
MAXIMUM DIVERSION VOLUME OF 1048.3 AF AT THE FIELD HEADGATE.
COMBINED RIGHT NOS.: 34-1238, 34-1248, 34-1258, 34-4838, AND
34-02320.

PRIORITY DATE: 05/01/1905

POINT OF DIVERSION: T08N R22E S26 NWSW Within Custer County
SWSW
SESW
NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Recreation	05-01 TO 10-15	0.02 CFS
			4.20 AFY
	Irrigation	05-01 TO 10-15	1.36 CFS
			238.40 AFY
	Recreation Storage	01-01 TO 12-31	4.20 AFY

THE PERIOD OF USE FOR IRRIGATION AND RECREATION 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 IDAHO DEPARTMENT OF WATER
RESOURCES.

PLACE OF USE:	Irrigation	Within Custer County
	T08N R22E S25	NWSW 36.0
	S26	NESW 40.0
		NESE 39.0
		SWSE 34.5
		SESE 38.0
	294.5 Acres Total	
	Recreation	Within Custer County
	T08N R22E S26	SESW

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 68.1 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 294.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-1238, 34-1248,
34-1258, 34-4838 AND 34-02320.

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

THIS APPROVAL IS SPECIFICALLY CONDITIONED UPON THE TERMS AND
MOTION FOR ORDER FILED WITH THE DEPARTMENT ON OCTOBER 12, 1999,
IN THE MATTER OF APPLICATION FOR PERMIT NO. 34-07591, IN THE

OTHER PROVISIONS (continued)

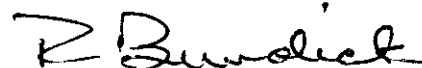
NAME OF L&S PARTNERS, NUMEROUS OTHER CAPTIONED MATTERS AND THE PRELIMINARY ORDER OF THE DEPARTMENT ISSUED ON NOVEMBER 18, 1999. THIS APPROVAL IS SUBJECT TO ANY FUTURE MODIFICATIONS RESULTING FROM OR REQUIRED BY THE TERMS OF THAT STIPULATION. THE PRELIMINARY ORDER OF THE DEPARTMENT, AND THE ACTIONS TAKEN PURSUANT THERETO.

THE FIRST YEAR THAT WATER IS DIVERTED TO RECREATION STORAGE, THE IRRIGATION USE UNDER THESE COMBINED RIGHTS SHALL BE LIMITED TO 6.16 CFS, 285.2 ACRES AND 998.2 AFA. THE REDUCTION OF IRRIGATION DURING THE FIRST YEAR WILL PROVIDE THE ADDITIONAL STORAGE VOLUME TO FILL THE POND WHEN COMBINED WITH THE 17.5 AF ASSOCIATED WITH THE 5.0 ACRES NO LONGER IRRIGATED.

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

2001 SEP 18 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): 34-00123B

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 34-00123B 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

6X RANCH LLC
Represented by:
MICHAEL C. CREAMER
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200



LETTIE MESSICK
Chief Deputy Clerk

CERTIFICATE OF MAILING

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09/18/01

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 34-001238

1998 MAR 31 PM 12: 53

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: DAVID R STOECKLEIN
MARY STOECKLEIN
PO BOX 2713
SUN VALLEY ID 83353

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: BIG LOST RIVER

QUANTITY: 1.386 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.46 CFS.
COMBINED RIGHT NOS.: 34-00124B, 34-00125B, 34-00483B, AND
34-02320.

PRIORITY DATE: 05/01/1905

POINT OF DIVERSION: T08N R22E S26

NWSW
SWSW
SESW
NWSW

Within CUSTER County

S27

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
1.386 CFS

PLACE OF USE:

IRRIGATION
T08N R22E S25
S26
299.5 ACRES TOTAL

Within CUSTER County
SWNW 39
NESW 40
SWSE 34.5

NWSW 36
SESW 33
SESE 38

NESE 39

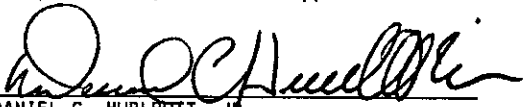
NWSE 40

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 299.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00124B, 34-00125B,
34-00483B AND 34-02320.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 69.3 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RECEIVED

APR - 1 1998

Department of Water Resources
Adjudication Bureau