

SEP 10 2001

Department of Water Resources

2001 SEP 18 AM 10: 24

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

**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 34-00123A

On December 31, 1997, 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 34-00123A is hereby **amended** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED September 17, 2001.

R. Burchett

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 34-00123A

2001 SEP 18 AM 10:24
FILED
TWIN FALLS, IDAHO
J.M.

NAME AND ADDRESS: INA MAE HARRIS
STAR ROUTE
MACKAY, ID 83251

GORDON C HARRIS
STAR RT
MACKAY, ID 83251

SOURCE: WARM SPRINGS CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 0.014 CFS

PRIORITY DATE: 05/01/1905

POINT OF DIVERSION: T08N R22E S26 NWSW Within Custer County
S27 SWSW
SESW
NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	0.014 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 IDAHO DEPARTMENT OF WATER RESOURCES.

PLACE OF USE:	Irrigation	Within Custer County
	T08N R22E S26 SESW 0.8	SWSE 2.4
	3.2 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 0.7 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 3.2 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-124A, 34-125A AND
34-483A.

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

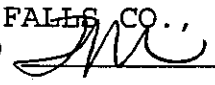
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.



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): 34-00123A

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 34-00123A 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

INA MAE HARRIS
STAR ROUTE
MACKAY, ID 83251

GORDON C HARRIS
STAR RT
MACKAY, ID 83251


LETTIE MESSICK
Chief Deputy Clerk

1997 DEC 31 PM 3:06
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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 34-00123A
_____	)	

On May 23, 1997, an *Amended Director's Report* was filed for water right 34-00123 recommending that it be split and decreed as water rights 34-00123A and 34-00123B.

Therefore, IT IS ORDERED that water right 34-00123A is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED Dec 31, 1997.



DANIEL C. HURLBUTT, JR.
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

1997 DEC 31 PM 3:06

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-00123A

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: GORDON C HARRIS
INA MAE HARRIS
STAR RT
MACKAY ID 83251

SOURCE: WARM SPRINGS CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 0.014 CFS

PRIORITY DATE: 05/01/1905

POINT OF DIVERSION: T08N R22E S26 NWSW Within CUSTER County
S27 SWSW
SESW
NWSW

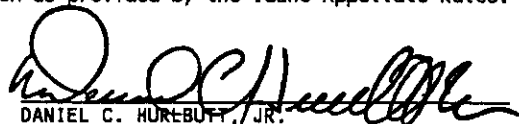
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.014 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County
	T08N R22E S26	SESW 0.8 SWSE 2.4
	3.2 ACRES TOTAL	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 0.7 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 3.2 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00124A, 34-00125A AND
34-00483A.

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