

2002 FEB 13 AM 9:31

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 Rights 34-12365

On March 12, 1999, the Idaho Department of Water Resources (IDWR) filed a *Notice of Completed Administrative Proceeding* and an attached *Amended Director's Report* for the above water right. No objections to this recommendation were filed and the time period for filing objections has now expired.

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 recommendations 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 34-12365 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: 2-12-02



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 202 FEB 13 AM 9:31
I.R.C.P. 54(b) FOR

Water Right 34-12365

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

NAME AND ADDRESS: ANTHONY O ALOSI
4129 N 4100 W
MACKAY, ID 83251

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 1.00 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.56 CFS WHEN DELIVERED THROUGH
THE HARRIS VAUGHT DITCH AND 3.76 CFS WHEN DELIVERED BY THE PUMP
DIRECTLY FROM THE RIVER AND A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 658.0 AF. COMBINED RIGHT NOS: 34-00374B, 34-00375B,
34-00459 AND 34-00490.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.27 CFS WHEN DELIVERED THROUGH
THE HARRIS VAUGHT DITCH AND 4.60 CFS WHEN DELIVERED BY THE PUMP
DIRECTLY FROM THE RIVER AND A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 805.0 AF. COMBINED RIGHT NOS: 34-0374B, 34-00490,
34-00459, 34-00490 AND 34-10895.

PRIORITY DATE: 05/31/1884

POINT OF DIVERSION: T06N R25E S06 NESW Within Custer County
T07N R24E S34 SENWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	1.00 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.

PLACE OF USE:	Irrigation	Within Custer County
	T06N R25E S06 LOT 01 (NENE) 41.0	LOT 02 (NWNE) 40.0
	SWNE 39.0	SENE 38.0
	NESE 15.0	NWSE 15.0
	188.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NOS. 34-0374B, 34-00375B, 34-00459
AND 34-00490 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL
OF 188 ACRES IN A SINGLE IRRIGATION SEASON

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 230 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS: 34-00374B, 34-00375B,
34-00459, 34-00490 AND 34-10895.

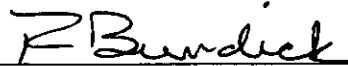
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 50 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS 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 cursive script, reading "R Burdick", is written over a horizontal line.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 FEB 13 PM 02:00
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
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)

CERTIFICATE OF MAILING

Water Right(s): 34-12365

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 34-12365 was mailed
on February 13, 2002, with sufficient first-class postage prepaid
to the following:

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

ANTHONY O ALOSI
4129 N 4100 W
MACKAY, ID 83251

ROBBIN GLATZ
Chief Deputy Clerk