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Department of Water Resources

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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 34-10767

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 34-10767 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 6-22-01



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 34-10767

2001 JUN 22 PM 3: 53

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: DIXIE WHITWORTH
SCOTT WHITWORTH
PO BOX 147
MAY, ID 83255

SOURCE: ANTELOPE CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 2.80 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

THE QUANTITY OF WATER UNDER THIS RIGHT OR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

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 AND 34-10765.

PRIORITY DATE: 05/01/1880

POINT OF DIVERSION: T05N R25E S21 SENE Within Custer County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	05-01 TO 10-15	2.80 CFS
Stockwater	01-01 TO 12-31	0.50 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
	Within Custer County
	NWNW 39.0
	SENE 33.0
T06N R25E S25	SWSW 9.0
S26	SESE 17.0
	SESE 30.0
S34 LOT 01 (NENE)28.0	NWNE 39.0
	SWNE 40.0
S35	LOT 02 (SENE)35.0
	NWNW 38.0
	SENE 40.0
	NWSW 40.0
	SESE 40.0
738.0 Acres Total	
Stockwater	Within Custer County
T05N R25E S02 LOT 04 (NWNW)	SWNW
T06N R25E S34 LOT 02 (SENE)	
S35	SENE
	SWSW

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 AND 34-10765.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 140 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 LIMITED TO THE IRRIGATION OF 140 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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 22, 2001, with sufficient first-class postage to the following:

DIXIE WHITWORTH
SCOTT WHITWORTH
PO BOX 147
MAY, ID 83255
Phone: 208-876-4432

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

