

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 34-10473

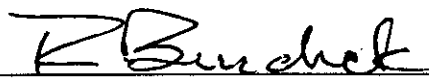
On March 26, 1998, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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 34-10473 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

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): 34-10473

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 34-10473 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

YOUNG HARVEY WALKER
RT 1 BOX 200
ARCO, ID 83213
Phone: 208-527-3254

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/09/01

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 34-10473

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

NAME AND ADDRESS: YOUNG HARVEY WALKER
RT 1 BOX 200
ARCO, ID 83213

SOURCE: GROUNDWATER

QUANTITY: 0.36 CFS

USE OF THIS RIGHT WITH RIGHT NO. 34-02440 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.55 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 565.7 AF.

USE OF THIS RIGHT WITH RIGHT NOS. 34-000038, 34-00793,
34-02266A, 34-02440, 34-02491D, 34-10476, 34-10478 AND 34-10479
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 16.06 CFS.

PRIORITY DATE: 08/10/1977

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.

POINT OF DIVERSION: T03N R27E S06 SWSWNE Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.36 CFS

PLACE OF USE:	Irrigation	Within Butte County
	T03N R27E S06 LOT 02 (NWNE)31.0	SWNE 23.0
	NWSE 32.0	SWSE 37.0
	SESE 6.0	
	S07 NENE 36.0	NWNE 25.0
	190.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 34-02440 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 190 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 34-000038, 34-00793,
34-02266A, 34-02440, 34-02491D, 34-10476, 34-10478 AND 34-10479
IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 574.5 ACRES
IN A SINGLE IRRIGATION SEASON.

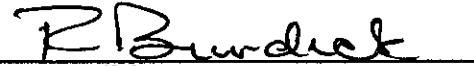
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 34-02440 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.

A handwritten signature in black ink, appearing to read "R. Burdick", is written over a horizontal line.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication