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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

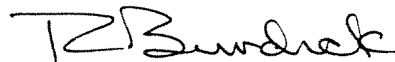
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 33-00098
_____	)	

On November 30, 2000, 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.

Therefore, IT IS ORDERED that water right 33-00098 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JAN 16 2001



ROGER BURDICK
Presiding Judge of the
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 33-00098

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BLAINE COUNTY CANAL CO
HC 65 BOX 1058
HOWE, ID 83244

SOURCE: DRY CREEK TRIBUTARY: LITTLE LOST RIVER

QUANTITY: 5.15 CFS

THE AMOUNT OF WATER REDIVERTED FROM THE LITTLE LOST RIVER
SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO
APPROPRIATORS OF WATER FROM THE LITTLE LOST RIVER DOWNSTREAM FROM
THE POINT OF REDIVERSION PURSUANT TO SECTION 42-105, IDAHO CODE.

PRIORITY DATE: 04/15/1891

POINT OF DIVERSION:	T06N R28E S11	NENW	(Rediversion)	Within Butte County
	T09N R27E S04	SWNE	(Injection)	
	T10N R25E S31	NENW	Within Custer County	
	R26E S36	SWNW	(Injection)	Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	5.15 CFS

PLACE OF USE:	Irrigation		Within Butte County
	T06N R28E S25	SWNE 40.0	SENE 40.0
		NENW 40.0	SENW 40.0
		NESW 40.0	NESE 40.0
		NWSE 40.0	
	R29E S14	SWSW 39.0	
	S15	NESW 40.0	NWSW 40.0
		SWSW 39.0	SESW 39.0
		NESE 40.0	NWSE 40.0
		SWSE 39.0	SESE 39.0
	S17	NENE 38.0	NWNE 39.0
		SWNE 40.0	SENE 39.0
		NESE 39.0	NWSE 40.0
		SWSE 39.0	SESE 38.0
	S19	NENE 38.0	NWNE 38.0
		SWNE 38.0	SENE 38.0
		NENW 38.0	NWNW 35.0
		SWNW 30.0	SENW 36.0
		NESW 3.0	NESE 40.0
		NWSE 40.0	SWSE 40.0
		SESE 40.0	
	S21	NENE 40.0	NWNE 40.0
		NESE 39.0	SESE 38.0
	S22	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESE 40.0	SESE 40.0
	S23	NENE 11.0	NWNE 40.0
		SWNE 40.0	SENE 39.0
		NENW 39.0	NWNW 33.0
		SWNW 39.0	SENW 40.0
		NESW 40.0	NWSW 39.0
		SWSW 37.0	SESW 40.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

		NESE 39.0	NWSE 40.0
		SWSE 39.0	SESE 39.0
S24		NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	SWNW 40.0
		SENW 40.0	NESW 40.0
		NWSW 39.0	SWSW 39.0
		SESW 39.0	NESE 40.0
		NWSE 40.0	SWSE 40.0
		SESE 40.0	
S25		NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 39.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
S26		NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 39.0	NWNW 39.0
		SWNW 39.0	SENW 40.0
		NESE 39.0	NWSE 40.0
		SWSE 39.0	SESE 36.0
S27		NWNE 40.0	SWNE 40.0
		NENW 40.0	NWNW 35.0
		SWNW 40.0	SENW 40.0
S28		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
S29		NENE 35.0	NWNE 39.0
		SWNE 40.0	SENE 39.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 38.0
		SWSW 39.0	SESW 39.0
S33		NENW 40.0	NWNW 40.0
		SWNW 39.0	SENW 40.0
S34		NENW 39.0	NWNW 38.0
		SWNW 39.0	SENW 40.0
S35		NENE 38.0	NWNE 39.0
		SWNE 40.0	SENE 39.0
R30E S19		NWNE 15.0	SWNE 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 34.0	SESE 39.0
S20		SWSW 40.0	SESW 38.0
S29		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
S30		NENE 39.0	NWNE 39.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0

6198.0 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4,880 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00003, 33-00005, 33-00068, 33-00075, 33-00077, 33-00098, 33-10086.

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 black ink, appearing to read 'R Burdick', is written over a horizontal line.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 33-00098

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 33-00098 was mailed
on January 17, 2001, with sufficient first-class postage prepaid
to the following:

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

BLAINE COUNTY CANAL CO
HC 65 BOX 1058
HOWE, ID 83244
Phone: 208-767-3203

DIANA DELANEY

Chief Deputy Clerk