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FEB - 8 2001

Department of Water Resources

2001 FEB -7 PM 8:59
F-3RBA
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

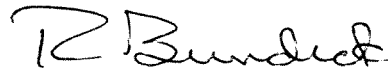
For Water Right 33-00093D

On December 11, 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 33-00093D is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED FEB - 7 2001.



ROGER BURDICK
Presiding Judge of the
Snake River Basin Adjudication

2001 FEB 07 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): 33-00093D

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 33-00093D was mailed
on February 07, 2001, with sufficient first-class postage prepaid
to the following:

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

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

CONNIE A WAYMIRE
KEITH D WAYMIRE
PO BOX 47
HOWE, ID 83244
Phone: 208-767-3035

DIANA DELANEY
Chief Deputy Clerk

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 33-00093D

NAME AND ADDRESS: CONNIE A WAYMIRE
KEITH D WAYMIRE
PO BOX 47
HOWE, ID 83244

SOURCE: DRY CREEK TRIBUTARY: LITTLE LOST RIVER

QUANTITY: 1.60 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.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.79 CFS. COMBINED RIGHT NOS:
33-00088, 33-00089, 33-02089.

PRIORITY DATE: 04/15/1891

POINT OF DIVERSION: T09N R27E S04 SWSWNE (Rediversion) Within Butte County
T10N R25E S31 SWNENW
R26E S36 NWSWNW (Injection)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.60 CFS

PLACE OF USE:	Irrigation	Within Butte County
	T09N R27E S04 NESW 37.0 LOT 05 (SWSE)11.0 S09 LOT 08 (NWNE)25.0 LOT 09 (SENE) 1.5 189.5 Acres Total	SESW 39.0 LOT 09 (SWNE)37.0 MENW 39.0

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 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 189.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00088, 33-00089, AND
33-02089.

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, appearing to read "R Burdick", is written over a horizontal line.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication