

2002 MAR -8 AM 9:35
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 33-00065

On January 3, 2002, 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 33-00065 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 3/8/02



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 33-00065

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NAME AND ADDRESS: PANCHERI INC
C/O JERRY PANCHERI PRES
HC 65 BOX 2104
HOWE, ID 83244

SOURCE: BELL MOUNTAIN CREEK TRIBUTARY: SINKS
UNNAMED STREAMS SINKS
MAHOGANY CREEK SINKS

QUANTITY: 6.40 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: 06/01/1899

POINT OF DIVERSION: T05N R29E S04 SESESE (Rediversion) Within Butte County
T10N R26E S12 SWSESE (Injection)
R27E S05 SESENE
NENWNW
T11N R27E S30 NESENW Within Lemhi County
S31 SENWNE
NESESE

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 11-01 6.40 CFS

PLACE OF USE: Irrigation Within Butte County
T05N R29E S10 NESE 23.0 NWSE 40.0
SWSE 40.0 SESE 40.0
S11 NESW 40.0 NWSW 28.0
SWSW 40.0 SESW 40.0
NESE 40.0 NWSE 31.0
SWSE 40.0 SESE 40.0
S12 NESW 40.0 NWSW 40.0
SWSW 40.0 SESW 40.0
S13 NENE 40.0 NWNE 40.0
SWNE 40.0 SENE 40.0
NENW 40.0 NWNW 40.0
SWNW 40.0 SENW 40.0
NESW 32.0 NWSW 16.0
SWSW 17.0 SESW 39.0
NESE 40.0 NWSE 40.0
SWSE 40.0 SESE 40.0
S14 NENE 40.0 NWNE 40.0
SWNE 40.0 SENE 40.0
NENW 28.0 SENW 24.0
NESE 34.0 NWSE 32.0
1464.0 Acres Total

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 320 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 680 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00024, 33-00025,

PLACE OF USE (continued)

33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, AND 33-00115.

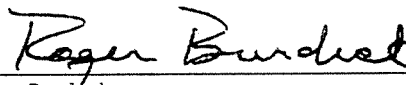
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1464 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00024, 33-00025, 33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, 33-00115, 33-07027, 33-02117A, 33-10109, AND 33-10999.

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 MAR 08 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 33-00065

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 33-00065 was mailed
on March 08, 2002, with sufficient first-class postage prepaid
to the following:

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

PANCHERI INC
Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620


ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

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