

2002 MAY -1 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 33-00045**

On March 12, 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 33-00045 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 1, 2002



\_\_\_\_\_  
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 33-00045

2002 MAY -1 AM 9:36

DISTRICT COURT-SRBA  
TWINFALLS CO., IDAHO  
FILED \_\_\_\_\_

NAME AND ADDRESS: PANCHERI INC  
C/O HOLDEN KIDWELL  
HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS, ID 83405

SOURCE: LITTLE LOST RIVER TRIBUTARY: SINKS

QUANTITY: 2.40 CFS  
420.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 11.15 CFS. COMBINED RIGHT NOS;  
33-02068B, 33-02056, 33-02093, 33-02126B, 33-00044, 33-00045,  
33-00046, 33-00047.

PRIORITY DATE: 04/01/1886

POINT OF DIVERSION: T06N R29E S30 SESWNW Within Butte County  
S32 SWNWNW

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 04-01 TO 10-31 | 2.40 CFS<br>420.00 AFY |

| PLACE OF USE: | Irrigation                       | Within Butte County |
|---------------|----------------------------------|---------------------|
|               | T05N R29E S04 LOT 04 (NWNW) 41.0 | SWNW 34.0           |
|               | S05 LOT 01 (NENE) 37.0           | SENE 34.0           |
|               | T06N R29E S19                    | NESE 40.0           |
|               |                                  | SWSE 14.0           |
|               | S29                              | SESE 38.0           |
|               |                                  | NENE 33.0           |
|               |                                  | NWNE 39.0           |
|               |                                  | SWNE 39.0           |
|               |                                  | SENE 32.0           |
|               |                                  | NENW 39.0           |
|               |                                  | NWNW 38.0           |
|               |                                  | SWNW 26.0           |
|               |                                  | SENE 40.0           |
|               |                                  | NWSW 15.0           |
|               |                                  | SWSW 35.0           |
|               |                                  | SESW 3.0            |
|               | S30                              | SESW 26.0           |
|               |                                  | SWSE 37.0           |
|               |                                  | SESE 35.0           |
|               | S31                              | NENE 28.0           |
|               |                                  | NWNE 39.0           |
|               |                                  | NENW 12.0           |
|               | S32                              | SWNE 11.0           |
|               |                                  | NENW 16.0           |
|               |                                  | NWNW 31.0           |
|               |                                  | SENE 30.0           |
|               |                                  | NESE 36.0           |
|               |                                  | NWSE 18.0           |
|               |                                  | SWSE 31.0           |
|               |                                  | SESE 28.0           |
|               | 991.0 Acres Total                |                     |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 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 554 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-02068B, 33-02056,  
33-02093, 33-02126B, 33-00044, 33-00045, 33-00046, 33-00047.

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

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

OTHER PROVISIONS (continued)

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 MAY 01 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): 33-00045 |

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 33-00045 was mailed  
on May 01, 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