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JAN 18 2001

Department of Water Resources

2001 JAN 16 PM 2: 21
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 33-00043

)

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 33-00043 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 33-00043

2001 JAN 16 PM 2:21
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: ROY L SERMON
HC 65 BOX 1007
HOWE, ID 83244

SOURCE: SAWMILL CREEK TRIBUTARY: LITTLE LOST RIVER
QUANTITY: 0.80 CFS

USE OF THIS RIGHT WITH RIGHT NO. 33-00042 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 542.5 AF.

THE QUANTITY OF WATER THAT MAY BE DELIVERED AT THE POINT(S)
OF RE-DIVERSION DESCRIBED BELOW IS 0.60 CFS. THIS REDUCTION IN
QUANTITY IS DUE TO THE HISTORICAL PRACTICE OF ASSESSING A
CONVEYANCE LOSS FOR THE DELIVERY OF THE RIGHT.

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED
ABOVE AT THE POINT OF MEASUREMENT IN T10N R26E S12 NESW.

PRIORITY DATE: 05/25/1891

POINT OF DIVERSION: T06N R29E S32 SWNWNW (Rediversion) Within Butte County
T10N R27E S18 NWSESW

POINT OF REDIVERSION FROM LITTLE LOST RIVER.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.80 CFS

PLACE OF USE:	Irrigation	Within Butte County
	T06N R29E S36	NESE 37.0 NWSE 40.0 SESE 39.0
	155.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHT LISTED ABOVE IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 155.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 33-00043

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 33-00043 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

USDI BLM

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

ROY L SERMON
HC 65 BOX 1007
HOWE, ID 83244
Phone: 208-767-3125

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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01/16/01