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Department of Water Resources

2001 JAN 16 PM 2:18

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 33-02114
_____	)	

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 33-02114 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 33-02114

2001 JAN 16 PM 2:18

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: R ROBERT AND WILMA I MAYS
FAMILY TRUST
1493 HWY 22
HOWE, ID 83244-8719

SOURCE: GROUNDWATER

QUANTITY: 4.69 CFS
1383.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 14.23 CFS. COMBINED RIGHT NOS:
33-00017B, 33-00018B, 33-00019B, 33-00020B, 33-00021B, 33-00022B,
33-00023B, 33-07192, 33-10057, 33-10989.

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 RIGHT NO. 33-10057 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.69 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1990 AF.

PRIORITY DATE: 02/13/1963

POINT OF DIVERSION:	T05N R29E S09	NENENE	(Rediversion)	Within Butte County
	S10	NWNWNW	(Rediversion)	
	T06N R29E S30	SESWNW		
		SESWNW	(Injection)	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.69 CFS 1383.00 AFY

PLACE OF USE:	Irrigation		Within Butte County
	T05N R29E S09	NENE 28.0	SENE 18.0
	S10	NENE 40.0	NWNE 35.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 33.0
		SWNW 40.0	SENE 39.0
	S11	NENE 38.0	NWNE 39.0
		SWNE 40.0	SENE 39.0
		SWNW 38.0	SENE 39.0
	S12	NENE 40.0	NWNE 38.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 39.0
		SWNW 38.0	SENE 40.0
	901.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 395 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NUMBER 33-10057 IS LIMITED TO
THE IRRIGATION OF A TOTAL OF 710 ACRES IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 901 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00017B, 33-00018B,
33-00019B, 33-00020B, 33-00021B, 33-00022B, 33-00023B,

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

PLACE OF USE (continued)

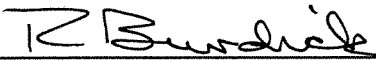
33-07192, 33-10057, 33-10989.

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

2001 JAN 17 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): 33-02114

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 33-02114 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

R ROBERT AND WILMA I MAYS
FAMILY TRUST
1493 HWY 22
HOWE, ID 83244-8719
Phone: 208-767-3470

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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01/16/01