

RECEIVED

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 33-10086

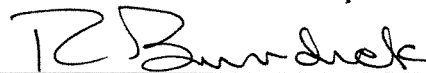
)

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 33-10086 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 33-10086

2001 JAN 16 PM 2:21

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BLAINE COUNTY CANAL CO
HC 65 BOX 1058
HOWE, ID 83244

SOURCE: SAWMILL CREEK TRIBUTARY: LITTLE LOST RIVER

QUANTITY: 5.30 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED
AT THE POINT OF MEASUREMENT IN T10N R26E SECTION 12 NESW.

PRIORITY DATE: 04/01/1927

POINT OF DIVERSION: T06N R28E S11 NENW (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 10-31	5.30 CFS

PLACE OF USE:	Irrigation		Within Butte County
	T06N R28E S25	SWNE 40.0	SENE 40.0
		NENW 40.0	SENE 40.0
		NESW 40.0	NESE 40.0
		NWSE 40.0	
	R29E S14	SWSW 39.0	
	S15	NESW 40.0	NWSW 40.0
		SWSW 39.0	SESW 39.0
		NESE 40.0	NWSE 40.0
		SWSE 39.0	SESE 39.0
	S17	NENE 38.0	NWNE 39.0
		SWNE 40.0	SENE 39.0
		NESE 39.0	NWSE 40.0
		SWSE 39.0	SESE 38.0
	S19	NENE 38.0	NWNE 38.0
		SWNE 38.0	SENE 38.0
		NENW 38.0	NWNW 35.0
		SWNW 30.0	SENE 36.0
		NESW 3.0	NESE 40.0
		NWSE 40.0	SWSE 40.0
		SESE 40.0	
	S21	NENE 40.0	NWNE 40.0
		NESE 39.0	SESE 38.0
	S22	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENE 40.0
		NESE 40.0	SESE 40.0
	S23	NENE 11.0	NWNE 40.0
		SWNE 40.0	SENE 39.0
		NENW 39.0	NWNW 33.0
		SWNW 39.0	SENE 40.0
		NESW 40.0	NWSW 39.0
		SWSW 37.0	SESW 40.0
		NESE 39.0	NWSE 40.0
		SWSE 39.0	SESE 39.0

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

PLACE OF USE (continued)

S24	NENE 40.0	NWNE 40.0	
	SWNE 40.0	SENE 40.0	
	NENW 40.0	SWNW 40.0	
	SENW 40.0	NESW 40.0	
	NWSW 39.0	SWSW 39.0	
	SESW 39.0	NESE 40.0	
	NWSE 40.0	SWSE 40.0	
	SESE 40.0		
S25	NENE 40.0	NWNE 40.0	
	SWNE 40.0	SENE 39.0	
	NENW 40.0	NWNW 40.0	
	SWNW 40.0	SENW 40.0	
S26	NENE 40.0	NWNE 40.0	
	SWNE 40.0	SENE 40.0	
	NENW 39.0	NWNW 39.0	
	SWNW 39.0	SENW 40.0	
	NESE 39.0	NWSE 40.0	
	SWSE 39.0	SESE 36.0	
S27	NWNE 40.0	SWNE 40.0	
	NENW 40.0	NWNW 35.0	
	SWNW 40.0	SENW 40.0	
S28	NESW 40.0	NWSW 40.0	
	SWSW 40.0	SESW 40.0	
S29	NENE 35.0	NWNE 39.0	
	SWNE 40.0	SENE 39.0	
	NENW 40.0	NWNW 40.0	
	SWNW 40.0	SENW 40.0	
	NESW 40.0	NWSW 38.0	
	SWSW 39.0	SESW 39.0	
	NENW 40.0	NWNW 40.0	
	SWNW 39.0	SENW 40.0	
S34	NENW 39.0	NWNW 38.0	
	SWNW 39.0	SENW 40.0	
S35	NENE 38.0	NWNE 39.0	
	SWNE 40.0	SENE 39.0	
R30E S19	NWNE 15.0	SWNE 40.0	
	NESW 40.0	NWSW 40.0	
	SWSW 40.0	SESW 40.0	
	NESE 40.0	NWSE 40.0	
	SWSE 34.0	SESE 39.0	
	SWSW 40.0	SESW 38.0	
	S29	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0	
S30	NENE 39.0	NWNE 39.0	
	SWNE 40.0	SENE 40.0	
	NENW 40.0	NWNW 40.0	
	SWNW 40.0	SENW 40.0	

6198.0 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4,880 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00003, 33-00004, 33-00005, 33-00068, 33-00075, 33-00077, 33-00098.

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

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): 33-10086

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 33-10086 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

BLAINE COUNTY CANAL CO
HC 65 BOX 1058
HOWE, ID 83244
Phone: 208-767-3203

DIANA DELANEY
Chief Deputy Clerk