

2002 MAY -1 AM 9:36

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

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)
)
)
ORDER OF PARTIAL DECREE

For Water Right 33-10070

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 33-10070 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 33-10070

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: WET CREEK TRIBUTARY: LITTLE LOST RIVER

QUANTITY: 1.50 CFS
507.50 AFY

THE QUANTITY OF WATER THAT MAY BE DELIVERED AT THE POINT
OF DIVERSION DESCRIBED BELOW IS 1.43 CFS. THIS REDUCTION IN
QUANTITY IS DUE TO THE HISTORICAL PRACTICE OF ASSESSING A
CONVEYANCE LOSS FOR THE DELIVERY OF THE RIGHT.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 507.5 AF. COMBINED RIGHT NOS.: 33-90E,
33-10070.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 18.73 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 3927.0 AF. COMBINED RIGHT NOS.: 33-84, 33-85,
33-90E, 33-2065, 33-2066A, 33-2066B, 33-7015, 33-7202, 33-10070,
33-10998.

PRIORITY DATE: 05/25/1891

POINT OF DIVERSION: T09N R27E S05 LOT 02 (NENWNE) Within Butte County

WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING WATER
FROM SAWMILL CREEK INTO LITTLE LOST RIVER AT THE ORIGINAL POINT
OF DIVERSION IN T10N, R27E, S18, NWSESW, AND DIVERTING AN
APPROPRIATE AMOUNT FROM WET CREEK AT THE POINT OF DIVERSION
DESCRIBED ABOVE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.50 CFS 507.50 AFY

PLACE OF USE:	Irrigation		Within Butte County
	T09N R27E S09	SWNW 40.0	SENW 37.0
		NESW 34.0	NWSW 34.0
		SWSW 34.0	SESW 34.0
	S16	NENW 34.0	NWNW 34.0
		SWNW 34.0	SENW 34.0
		NESW 34.0	NWSW 34.0
		SWSW 34.0	SESW 34.0
	S21	NENW 34.0	NWNW 34.0
		SWNW 34.0	SENW 34.0
		NESW 34.0	NWSW 34.0
		SWSW 34.0	SESW 34.0
	S28	NENW 34.0	NWNW 34.0
		SWNW 34.0	SENW 34.0
		NESW 34.0	NWSW 34.0
		SWSW 34.0	SESW 34.0
	S33	NWNE 12.0	SWNE 11.0
		NENW 40.0	SENW 30.0
	1122.0 Acres Total		

PLACE OF USE (continued)

USE OF THIS RIGHT WITH RIGHT NO. 33-00090E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-90E, 33-10070 AND 33-7202.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF

A COMBINED TOTAL OF 1122 ACRES IN A SINGLE IRRIGATION SEASON.

COMBINED RIGHT NOS.: 33-84, 33-85, 33-90E, 33-2065, 33-2066A, 33-2066B, 33-7015, 33-7202, 33-10070, 33-10998.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THE PRIORITY OF THIS RIGHT FROM SAWMILL CREEK AT THE ORIGINAL POINT OF MEASUREMENT IN TION R26E S12 NE34.

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

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)
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CERTIFICATE OF MAILING

Water Right(s): 33-10070

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 33-10070 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