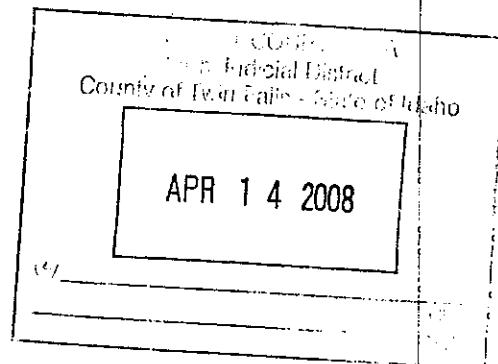


Randall C. Budge, ISB No. 1949
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. Box 1391; 201 E. Center Street
Pocatello, Idaho 83204-1391
Phone: 208-232-6101
Fax: 208-232-6109
rcb@racinelaw.net



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) Subcase Nos. 35-7210, 35-7369
)
) **SUPPORTING AFFIDAVIT OF**
) **SID E. ALLEN**
)

STATE OF IDAHO)
) : SS
COUNTY OF BANNOCK)

Sid E. Allen, being first duly sworn under oath deposes and states as follows:

1. My name is Sid E. Allen and my wife is Marilyn Allen. We reside at 2799 Vollmer Loop, American Falls, Idaho 83211. We do business as Allen Farms, an assumed business name.
2. Allen Farms is the owner of Water Right Nos. 35-7210 and 35-7369. Attached as **Exhibit A** is a true and correct copy of the Water Right License for each of these water rights.
3. Continuously since 1972 and 1974 respectively, these water rights have been diverted and applied to beneficial use in the manner indicated on each Water Right License to irrigate a combined 390 irrigated acres.
4. On or about March 16, 1990, I went to the IDWR Regional Office in Idaho Falls and with the assistance of the Water Right Analyst Ernie Carlson prepared and filed an SRBA Notice of Claim to a Water Right for each of the water rights used upon our farm. This included Notices of Claim for Water Right Nos. 35-7210 and 35-7369, copies of which are attached as **Exhibit B**.

5. The SRBA Court issued Partial Decrees for all of our water rights based upon the SRBA Claims which we filed. With the exception of Water Right Nos. 35-7210 and 35-7369, all Partial Decrees were issued exactly as claimed based upon the prior Licenses. I assumed that Water Right 35-7210 and 35-7369 were also issued exactly as they were claimed based upon the prior Licenses, **Exhibits A and B** attached.

6. I recently received an "unauthorized water use" letter dated March 5, 2008, from Ernie Carlson, Water Master, Water District 120, **Exhibit C** attached, indicating that some 35 acres of my land was being irrigated without a valid water right. The identified 35 acres which is depicted in the map attached to the March 5, 2008 letter has in fact been continuously irrigated by Water Right Nos. 35-7210 and 35-7369 since they were licensed. Upon consulting with my attorney to evaluate my water rights and respond to the March 5, 2008 letter, I discovered for the first time that the Partial Decrees issued for these rights reduced the combined irrigated acres from the 390 acres licensed and originally claimed to 367 acres.

7. This Affidavit is submitted in support of my Motion to Set Aside the Partial Decrees and for leave to file a late Objection to the Recommendations in the Director's Reports which reduced the irrigated acres from the originally licensed and claimed amounts. Because IDWR personnel assisted me in the preparation of the SRBA Claims, because the water rights claimed were exactly as licensed, and because Partial Decrees issued on all other of my rights were exactly as claimed and licensed, I had good reason to believe that the Partial Decrees issued on Water Rights Nos. 35-7210 and 35-7369 had also been issued exactly as those rights were previously licensed and claimed. It was through oversight and inadvertence on my part that I did not discover the reduction in the irrigated acres under these rights until after I received the letter from Mr. Carlson dated March 5, 2008, **Exhibit C**. Because all of the land identified in the place of use of these rights as licensed and claimed has always been continuously irrigated by wheel lines to date, it would be extremely burdensome, if not impossible, to avoid irrigating the 35 acre tract identified in the map attached to the March 5, 2008 letter. Furthermore, it would be entirely unfair, unjust and inequitable not to correct and/or set aside the Partial Decrees omitting this irrigated acreage to provide me with an opportunity to correct this mistake.

8. I do not know why the Water Right Recommendations for these rights would have reduced the irrigated acres. However, I believe it may be because the identified areas outlined in

blue on the maps are sand dunes which may not have appeared from photographs and satellite imagery to have been irrigated to raise regular crops. While these are in fact sandy areas and do not raise normal row crops, they have always been farmed over and irrigated to raise natural grasses which prevent soil erosion.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 10 day of April, 2008.

Sid E. Allen

SID E. ALLEN

SUBSCRIBED AND SWORN TO before me by Sid E. Allen this 10 day of April, 2008.

Chelsey Brown

NOTARY PUBLIC FOR IDAHO,

Residing at Pocatello.

My Commission Expires ~~10/11/2012~~ 3/24/2014



CERTIFICATE OF MAILING

I certify that on April 10, 2008, I mailed the original and copies of this Affidavit of Sid E. Allen, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to Claimant:

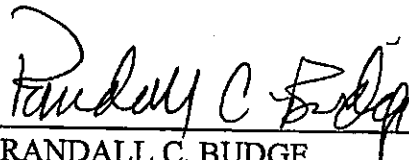
Sid and Marilyn Allen
2799 Vollmer Loop
American Falls, Idaho 83211

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724


RANDALL C. BUDGE

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7210 Priority Feb. 14, 1972 Amount 6.40 cfs

THIS IS TO CERTIFY, that ALLEN BROS.
of American Falls, Idaho, has complied with the terms and conditions of Permit
No. 35-7210 issued pursuant to Application for Permit dated February 14, 1972
and has submitted proof to the Department of Water Resources on June 23, 1972
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 7.80 cfs of water from a ground water source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Oct. 15</u> at <u>6.40</u> cfs and	<u>1,120 acre feet or</u>	
	from _____ to _____ at _____ cfs and	<u>3.5 af per acre</u>	
	from _____ to _____ at _____ cfs and		

(both dates inclusive).

Subject, however, to the condition that no more than 6.40 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1,120 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of
Sec. 29, Twp. 7 S, Rge. 30 E, B. M. in the County of _____ Power _____

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	30E	29					39	39	40	40	39	40	30	20	10	23			320

Total number of acres irrigated 320

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7 day of
October, 19 76.

Director

EXHIBIT

A

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7369 Priority January 15, 1974 Amount 1.40 cfs

THIS IS TO CERTIFY, that ALLEN BROS. (GENERAL PARTNERSHIP)

of American Falls, Idaho, has complied with the terms and conditions of Permit

No. 35-7369 issued pursuant to Application for Permit dated January 15, 1974
and has submitted proof to the Department of Water Resources on February 22, 1977

that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 7.08 cfs of water from a groundwater source

tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>7.08</u> cfs and	<u>245 acre feet</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.40 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
245 acre feet per year, said waters to be diverted within the SW1/4 NW1/4, NW1/4 SW1/4, Sec. 29,
Twp. 7S, Rge. 30E, B. M. in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW1/4				SW1/4				SE1/4				Total
			NEW	NW1/4	SW1/4	SE1/4	NEW	NW1/4	SW1/4	SE1/4	NEW	NW1/4	SW1/4	SE1/4	NEW	NW1/4	SW1/4	SE1/4	
7S	30E	29										10	20						30
		32					20	20											40

Total number of acres irrigated 70

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26 day of
February, 19 79.

Director

EXHIBIT

A

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A35-07369
Date Received: 3/16/1990
Receipt No: 8012410
Received By: ELC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALLEN FARMS 208-226-7907
Address: 2799 VOLLMER LOOP
AMERICAN FALLS, ID 83221

2. Date of Priority: JAN 15, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	30E	29	NE	SW	NW		POWER
			SE	NW	SW		POWER

5. Description of diverting works:
WELLS, PUMPS AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	7.080		245.00

7. Total Quantity Appropriated is:
1.400 C.F.S. (and/or) 245.00 A.F.A.

8. Total consumptive use is 210.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	30E	29	SW	SW		IRR	10.0
			SE	SW		IRR	20.0
Section Acres							30.0

A35-07369

Page 1

Date: 03/16/90

EXHIBIT

R

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	30E	32	NE	NW		IRR	20.0
			NW	NW		IRR	20.0
						Section Acres	40.0
						Total Acres	70.0

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE

I-12

Not to Scale

Two 7S
RGE 30E

1-70.4

2-69.6

Wells

3-119.7

2
3

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Owner of Allen Farms, that I have signed the foregoing document in the space below as Owner of Allen Farms and that the statements contained in the foregoing document are true and correct.

Sid E. Allen
Signature of Authorized Agent

Owner of Allen Farms
Title and Organization

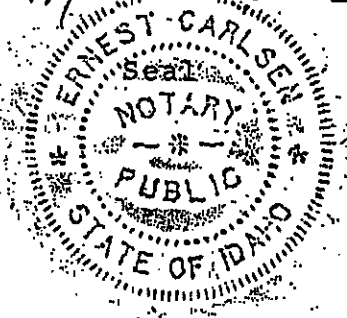
3-16-90
Date

State of Idaho

County of Bonanza) ss.

Subscribed and sworn (or affirmed) before me this 16 day of March 19 90.

Ernest Carlsen
Notary Public



Residing at Shoshone Falls, ID.

My Commission Expires 6-14-1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A35-07210
Date Received: 3/16/1990
Receipt No: 8012410
Received By: EDK

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALLEN FARMS
Address: 2799 VOLLMER LOOP
AMERICAN FALLS, ID 83211 208-226-7907

2. Date of Priority: FEB 14, 1972

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	30E	29	NE	SW	NW		POWER
			SE	NW	SW		POWER

5. Description of diverting works:
WELLS, PUMPS AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.400		

7. Total Quantity Appropriated is:
6.400 C.F.S. (and/or) 1120.00 A.F.A.

8. Total consumptive use is 960.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	30E	29	NE	NW		IRR	39.0
			NW	NW		IRR	39.0
			SW	NW		IRR	40.0

A35-07210

Page 1

Date: 03/16/90

EXHIBIT

B

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	30E	29	SE	NW		IRR	40.0
			NE	SW		IRR	39.0
			NW	SW		IRR	40.0
			SW	SW		IRR	30.0
			SE	SW		IRR	20.0
			NE	SE		IRR	10.0
			NW	SE		IRR	23.0

Section Acres 320.0

Total Acres 320.0

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE

I-12

Not To Scale

Twp. 15S.

Rge. 30E.

70.4

269.6

Wells.

3-119.7

20

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Owner of
Title
Allen Farms, that I have signed the foregoing
Organization
document in the space below as Owner of
Title
Allen Farms and that the statements contained in the
Organization
foregoing document are true and correct.

Sid E. Allen
Signature of Authorized Agent

Owner of Allen Farms
Title and Organization

3-16-90
Date

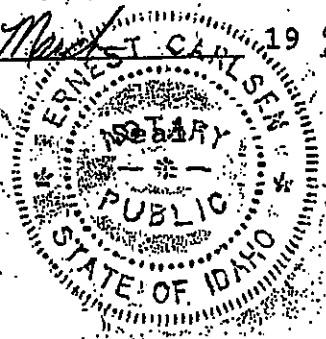
State of Idaho)

County of Bonanza)

SS.

Subscribed and sworn (or affirmed) before me this 16 day

of March 19 90



Ernest Carlson
Notary Public

Residing at Allen Farms

My Commission Expires 6-14-1994



ERNEST CARLSEN
WATERMASTER

STATE OF IDAHO
WATER DISTRICT 120
900 N. SKYLINE DR., SUITE A
IDAHO FALLS, ID 83402
(208) 525-7171 FAX (208) 525-7177

IDWR DIRECTOR
DAVE TUTHIL

March 5
~~January 31~~, 2008

TREASURER
DALE ROCKWOOD

Allen Farms
2799 Vollmer LP
American Falls, ID 83211

BOARD OF DIRECTORS

RE: Unauthorized Water use

Certified Mail

To Whom It May Concern:

TIM DEEG
CHAIRMAN

Water District No.120 staff has made an investigation of 2007 irrigated lands and water right authorizations within the district using aerial photos and/or satellite imagery. It has come to our attention that approximately 35 acres located in the S 1/2 of Section 29, Township 7 South (T7S), Range 30E East (R30E) and NW 1/4 of Section 32, Township 7 South (T7S), Range 30E East (R30E) have been irrigated without a valid water right. Records on file at the Idaho Department of Water Resources (IDWR) indicate that you are the owner of these lands.

SCOTT CLAWSON
REXBURG

Attached is a 2006 aerial photo and 2007 satellite image showing irrigation in the S 1/2 of Section 29, Township 7 South (T7S), Range 30E East (R30E) and NW 1/4 of Section 32, Township 7 South (T7S), Range 30E East (R30E). Review of IDWR records shows no water rights appurtenant to the 35 acres of irrigation in question. The attached aerial photo and satellite imagery provides evidence of irrigation in 2007.

CRAIG EVANS
BLACKFOOT

RICHARD MAYER
ABERDEEN

STEPHANIE MICKELSEN
IDAHO FALLS

TERRELL SORENSON
AMERICAN FALLS

The water use in question is under the jurisdiction of State Water District No. 120. As Watermaster of this district, I am authorized to curtail unlawful diversions of water. Irrigation without a valid water right is an unlawful diversion pursuant to Idaho Code §42-351. **You are instructed to cease and desist any further irrigation of the approximate 35 acres in the S 1/2 of Section 29, Township 7 South (T7S), Range 30E East (R30E) and NW 1/4 of Section 32, Township 7 South (T7S), Range 30E East (R30E) as described on the maps until a valid water right or transfer can be obtained.**

GAYLEN VAN ORDEN
PINGREE

RALPH ISOM
IDAHO FALLS

DANE WATKINS
IDAHO FALLS

Please contact our office immediately if you are not the current owner of the lands in question, you believe you have valid water right(s) and or transfer application(s) filed with IDWR for these lands or you feel our records are in error. I ask that you contact our office within fourteen (14) days from the date of this letter to discuss these findings and any remedy of the unauthorized use. You may contact either Gene Hansen or Blake Jordan directly at 208-525-7161 regarding this matter.

WALTER GAY
BLACKFOOT

NIC BEHREND
ABERDEEN

Pending your response to this letter, **IDWR will determine whether to issue a Notice of Violation and commence any administrative enforcement action** that may include civil penalties and mitigation requirements for unlawful diversions during 2007.

Regards,

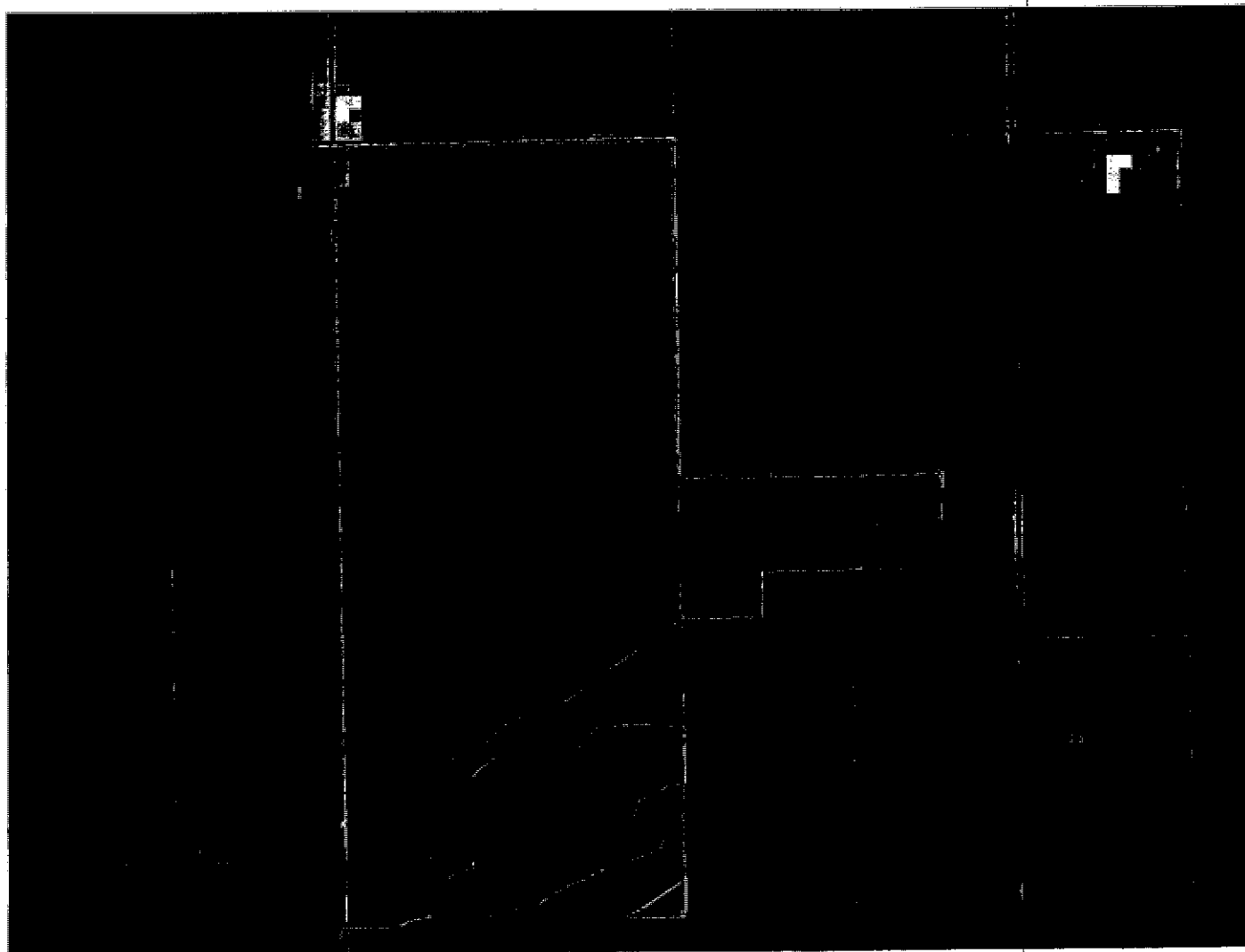
Ernie Carlsen -
Water Master Water District 120

Cc: Tim Luke, IDWR
Aberdeen-American Falls Ground Water District

EXHIBIT

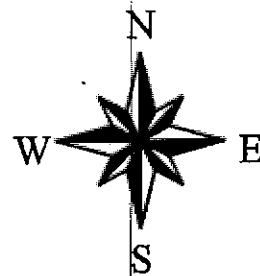
T7S R 30E Section 29 S 1/2; 32 NW 1/4

Owner: Allen Farms



-  Unauthorized water use
-  Water Right 35-7210, 35-7369
-  Sections
-  Quarter Quarter

0.3 0 0.3 0.6 Miles



Imagery: Landsat 2007 Mosaic

Map Prepared by Blake Jordan
31, January 2008

Source: Water District 120
Idaho Department of Water Resource



DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 7 2002	
By _____	Clerk _____
Deputy Clerk _____	

**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 35-07210

On November 6, 2001, 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 35-07210 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 31, 2002.

Roger Burdick

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 35-07210

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 31 2002

By

Clerk

Deputy Clerk

NAME AND ADDRESS: ALLEN FARMS
2799 VOLLMER LOOP
AMERICAN FALLS, ID 83211

SOURCE: GROUNDWATER

QUANTITY: 6.40 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-07369 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.08 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1468 AF.

PRIORITY DATE: 02/14/1972

POINT OF DIVERSION: T07S R30E S29 SESWNW Within Power County
SENWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-15	6.40 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE
TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT
ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE
DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation		Within Power County
	T07S R30E S29	NENW 39.0	NWNW 39.0
		SWNW 40.0	SENW 40.0
		NESW 39.0	NWSW 40.0
		SWSW 38.0	SESW 25.0
		NENE 7.0	NWSE 27.0
	S32	NENW 13.0	NWNW 20.0
	367.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 35-07369 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 367 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 320 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

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 JAN 31 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): 35-07210

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 35-07210 was mailed
on January 31, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ALLEN FARMS
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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01/31/02

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 31 2002	
By _____	Clerk
_____	Deputy Clerk

**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 35-07369

On November 6, 2001, 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 35-07369 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 31, 2002.

Roger Burdick

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 35-07369

NAME AND ADDRESS: ALLEN FARMS
2799 VOLLMER LOOP
AMERICAN FALLS, ID 83211

SOURCE: GROUNDWATER

QUANTITY: 7.08 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-07210 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.08 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1468 AF.

PRIORITY DATE: 01/15/1974

POINT OF DIVERSION: T07S R30E S29 SESWN Within Power County
SENWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	7.08 CFS

PLACE OF USE:	Irrigation	Within Power County
T07S R30E S29	NENW 39.0	NWNW 39.0
	SWNW 40.0	SENN 40.0
	NESW 39.0	NWSW 40.0
	SWSW 38.0	SESW 25.0
	NESE 7.0	NWSE 27.0
S32	NENW 13.0	NWNW 20.0
	367.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 35-07210 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 367 ACRES IN A SINGLE
IRRIGATION SEASON.

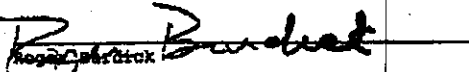
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 61 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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(h) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(h), 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 C. Erickson
Presiding Judge of the
Snake River Basin Adjudication

2002 JAN 31 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): 35-07369

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 35-07369 was mailed
on January 31, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ALLEN FARMS

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