

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
SEP 23 2008	
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 AMENDED PARTIAL**
) **DECREE**
)
) **For water rights: 35-07210 and 35-07369**
)
)
)

Partial Decrees were issued for the above-captioned water rights on January 31, 2002. On April 14, 2008, the claimant filed a *Motion to Set Aside Partial Decrees and File Late Objection*. The matter was referred to the special master for further findings.

On July 23, 2008, the Special Master issued a *Special Master's Report and Recommendation*, recommending that the *Partial Decree* be set aside and amended to conform to the licenses. No challenges were filed and the time for filing challenges has expired.

Pursuant to I.R.C.P. 53(e)(2) and SRBA Administrative Order 1, Section 3(f), this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts it as its own.

Therefore, IT IS ORDERED that water rights 35-07210 and 35-07369 are hereby **amended and decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Sept 23, 2008

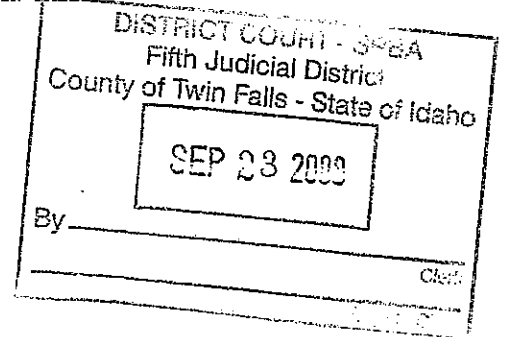
John M. Melanson

JOHN M. MELANSON
Presiding Judge

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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) 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 SESWNW 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	SENW 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).

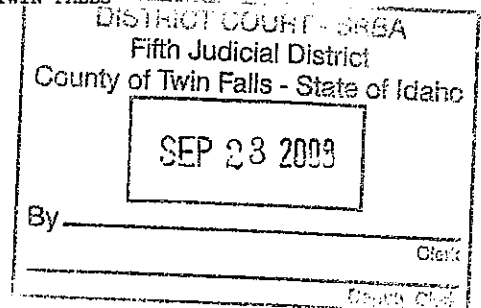
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 35-07210



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
		NESE 7.0	NWSE 27.0
	S32	NENW 13.0	NWNW 20.0
	367.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 35-07369 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).

2008 SEP 23 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 35-07210
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 35-07210 was mailed
on September 23, 2008, with sufficient first-class postage prepaid
to the following:

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

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

ALLEN FARMS
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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09/22/08