

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2453A

WATER RIGHT NUMBER: 36-2453A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DARRELL JAMES BAKER 655 N 900 E RUPERT, ID 83350 (208)531-5562
Original Owner	ANNABELLE G BARNARD RUPERT, ID
Original Owner	WILLIAM EUGENE BARNARD , ID

Priority Date: 11/17/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	3.090 CFS	
	<u>Total Diversion:</u>	3.090 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4SE1/4	Sec. 3,	Twp 07S,	Rge 24E, B.M.
MINIDOKA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	24E	2						13.5	35.5										49.0
								L 4											
07S	24E	3	7.0	14.5	35.5	31.0									33.0	33.0	33.0	33.0	220.0
			L 1	L 2															

Total Acres: 269

Conditions of Approval:

1. E55 USE OF THIS RIGHT WITH RIGHT NO. 36-13065A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 269 ACRES IN A SINGLE IRRIGATION SEASON.
2. E60 USE OF THIS RIGHT WITH RIGHT NO. 36-13065A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.09 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1076 AF.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2453A

3. K01 RIGHT NO. 36-13065A IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 209.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. C18 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. SECTION 42-1412(6), IDAHO CODE.
6. F05 RIGHT NO. 36-13065A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Remarks:Comments:

1. kpickett 8/31/2005 POD

Comment: Correlated PODID 531313 from SpatialDataID 201893 to SpatialDataID 201939

Dates and Other Information:

Licensed Date:
 Decreed Date: 12/13/2000
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.09	1076	269

Combined Water Rights: 36-2453A , 36-13065A

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2453

WATER RIGHT NUMBER: 36-2453

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM EUGENE BARNARD
	, ID
Current Owner	DARRELL JAMES BAKER
	655 N 900 E
	RUPERT, ID 83350
	(208)531-5562

Priority Date: 11/17/1960

Basis: License

Status: Superseded by Decree

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	3.790 CFS	
	<u>Total Diversion:</u>	3.790 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 3,	Twp 07S,	Rge 24E, B.M.
MINIDOKA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	24E	2								32.0									32.0
07S	24E	3	10.0	15.0	36.0	38.0									38.0	38.0	35.0	15.0	225.0

Total Acres: 257

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2453

Comments:

1. PSKAGGS 4/10/2000 TRANSFER 5424

Comment: SEE X36-02453A & X36-02453B.

2. jpeppers 4/15/2002 Decree

Comment: This right has been superseded by decree nos. 36-2453A and 36-2453B.

Dates and Other Information:

Licensed Date: 4/26/1979

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

2000 DEC 13 PM 3:11

FILED AT-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 36-02453

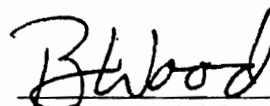
On April 8, 1998, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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.

On August 2, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigaion District v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions* which included a recommendation for the irrigation season of use for this water right. No objections to this Supplemental Report were filed and the time period for filing objections has now expired.

Therefore, IT IS ORDERED that water right 36-02453 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED Dec. 13, 2000.



BARRY WOOD

Administrative District Judge and
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 36-02453

200 DEC 13 PM 3:11

FILED
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CLARALYNNE S BAKER
D J BAKER
650 N 900 E
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 3.79 CFS

USE OF THIS RIGHT WITH RIGHT 36-13065 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.79 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1320 AF.

PRIORITY DATE: 11/17/1960

POINT OF DIVERSION: T07S R24E S03 NWNWSE Within Minidoka County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.79 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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 Minidoka County
	T07S R24E S02 LOT 04 (NWNW)18.0	SWNW 40.0
	S03 LOT 01 (NENE)16.0	LOT 02 (NWNE)19.0
	SWNE 40.0	SENE 40.0
	NESE 40.0	NWSE 40.0
	SWSE 38.0	SESE 39.0
	330.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT 36-13065 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 330 ACRES IN A SINGLE
IRRIGATION SEASON.

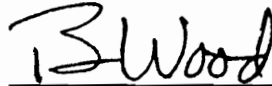
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 257 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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(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 "B Wood", is written over a horizontal line.

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 DEC 13 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): 36-02453

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 36-02453 was mailed
on December 13, 2000, with sufficient first-class postage prepaid
to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

CLARALYNNE S BAKER
D J BAKER
650 N 900 E
RUPERT, ID 83350

DIANA DELANEY
Chief Deputy Clerk