

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 36-024128

1997 DEC 29 AM 10:33

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: A N AMBROSE
PO BOX 247
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 5.79 CFS
1452.0 AFY

PRIORITY DATE: 01/22/1960

POINT OF DIVERSION: T09S R15E S01 LOT 4 (SENWNW) Within GOODING County
NENWSW
S02 SENWE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	5.79 CFS 1452.0 AFY

PLACE OF USE:	IRRIGATION	Within GOODING County				
	T09S R15E S01	Lot 2 (NWNE)26	Lot 3 (NENW)39	Lot 4 (NWNW)39		SWNW 40
		SENE 40				
	S02	Lot 1 (NENE)39	SWNE 40	SENE 40		NESE 31
		NWSE 29				
	363 ACRES TOTAL					

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.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

B to C + D

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-2412D

WATER RIGHT NUMBER: 36-2412D

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	A N AMBROSE PO BOX 247 WENDELL, ID 83355 (208)536-5332
Current Owner	DONALD JOHN AARDEMA 144 W 400 S JEROME, ID 83338 (208)324-3438

Priority Date: 01/22/1960

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.330 CFS	123.80 AF
COMMERCIAL	1/01 to 12/31	0.320 CFS	39.20 AF
<u>Total Diversion:</u>		0.650 CFS	163.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4NE1/4 Sec. 2, Twp 09S, Rge 15E, B.M.
GOODING County

Place of Use

STOCKWATER

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S 15E 2		X	X														
		L 2															

COMMERCIAL same as STOCKWATER

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 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.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2412D

4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

1. General

The total instantaneous diversion of water from all points of diversion under Transfer No. 4841 shall not exceed 0.65 cfs, nor total combined annual volume of 163.0 af.

Prior to diversion of water under this approval, the right holder shall install suitable measuring devices at all authorized points of diversion or shall enter into an agreement with the department to determine the total amount of water diverted from power record and shall annually report the information to the department.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

The remainder of Right No. 36-02412B is identified as 36-02412C and is limited to a diversion rate of 5.14 cfs, an annual diversion volume of 1288.0 af, and irrigation of 322.0 acres each year.

Prior to use of water for irrigation purposes under Right No. 36-02412C, the right holder shall install a measuring device to measure the amount of water diverted and shall annually report the diversion to the department. The right holder shall obtain prior approval from the department of the type of measuring device to install.

The acres which are no longer authorized for irrigation under Right No. 36-02412C are specifically described as follows: 36.0 acres located in SWNE, and 5.0 acres located in NWSE, S02, T09S, R15E.
2. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 36-2412B, PER APPROVED TRANSFER #4841.

Comments:

1. jroberts 4/16/2002 Recommendation
Comment: This recommendation is based on approved transfer #4841.

Dates and Other Information:

Licensed Date:
 Decreed Date: 12/29/1997
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 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:

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Water Supply Bank: