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FILED
SNAKE RIVER BASIN ADJUDICATION
TWIN FALLS CO., IDAHO

**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 36-07823B

On May 22, 1998, the Idaho Department of Water Resources filed an *Amended Director's Report* recommending that water right claim 36-07823 be split and decreed as 36-07823A and 36-07823B. No objection was filed to this *Amended Director's Report* and the time for filing objections has expired.

On August 2, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigation 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 36-07823B is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED Dec. 13, 2000.

B Wood

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 36-078238

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FILED
CLERK OF DISTRICT COURT, IDAHO

NAME AND ADDRESS: TERRY MILLER
1175 E 800 N
RUPERT, ID 83350

JOLENE MILLER
1200 E 800 N
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.23 CFS
48.00 AFY

USE OF RIGHTS 36-021058, 36-021090, 36-023428, 36-024470,
36-02469G, 36-025388 AND 36-078238 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.166 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 516.9 AF.

PRIORITY DATE: 09/08/1978

POINT OF DIVERSION: T08S R26E S17 SWSE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.23 CFS 48.00 AFY

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.

T08S R26E S30	SWSE 32.5	SESE 32.5
S31	NENE 32.5	NWNE 32.5
130.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 12.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF RIGHTS 36-021058, 36-021090, 36-023428, 36-024470,
36-02469G, 36-025388 AND 36-078238 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 130.0 ACRES 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.

B Wood

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

MICROFILMED
MAR 27 2002

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): 36-07823B

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 36-07823B 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

TERRY MILLER
1175 E 800 N
RUPERT, ID 83350

JOLENE MILLER
1200 E 800 N
RUPERT, ID 83350

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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12/13/00

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MAR 27 2002