

No Color
Documents
In File

RECEIVED

MAR 20 2001

Department of Water Resources

2001 MAR 19 PM 1:12

DISTRICT COURT-SRBA
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 36-07562E

On March 6, 1998, an *Amended Director's Report* was filed for water right 36-07562A recommending that it be split and decreed as water rights 36-07562E and 36-07562F. No objections were filed to this *Amended Director's Report* and the time period for filing objections has expired.

On October 27, 1998, Partial Decrees were entered for water rights 36-07562A and 36-07562F. Water right 36-07562E was stayed pending a decision on the irrigation season of use.

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 36-07562E is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 19, 2001.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED

DEC 11 2003

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 36-07562E

2001 MAR 19 PM 1:12

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CECLIA W WRIGHT
JOHN W WRIGHT
3451 S 2200 E
WENDELL, ID 83355

SOURCE: GROUNDWATER

QUANTITY: 0.15 CFS
30.00 AFY

PRIORITY DATE: 01/21/1974

POINT OF DIVERSION: T08S R15E S26 NESE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.15 CFS 30.00 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.

PLACE OF USE: Irrigation Within Gooding County
T08S R15E S26 NESE 30.0
30.0 Acres Total

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 7.5 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.

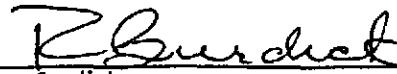
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

MICROFILMED

DEC 11 2003

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
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

DEC 11 2003

934

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 36-07562A

1998 JAN -8 AM 11:18

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: JOHN W WRIGHT
CECELIA W WRIGHT
3451 S 2200 E
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 0.2 CFS
40.0 AFY

PRIORITY DATE: 01/21/1974

POINT OF DIVERSION: T08S R15E S26 NESESE

Within GOODING County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

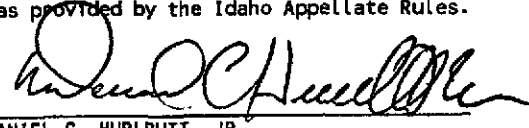
QUANTITY
0.2 CFS
40.0 AFY

PLACE OF USE: IRRIGATION
T08S R15E S26
10 ACRES TOTAL

Within GOODING County
NESE 10

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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07562A

MICROFILMED

DEC 11 2003

PAGE 1
DEC-15-1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4889
WATER RIGHT NO(S). 36-07562E/36-07562F/36-07622A/36-07622B

This is to certify that: CECELIA W WRIGHT
JOHN W WRIGHT
3451 S 2200 E
WENDELL ID 83355

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-07562E :			
IRRIGATION	04/01 to 10/31	0.15 CFS	30.0 AF
Priority: 01/21/1974			
Right No. 36-07622A :			
IRRIGATION	04/01 to 10/31	0.45 CFS	90.0 AF
Priority: 04/29/1976			
IRRIGATION TOTAL:		0.60 CFS	120.0 AF
Right No. 36-07562F :			
STOCKWATER	01/01 to 12/31	0.05 CFS	4.3 AF
COMMERCIAL	01/01 to 12/31	0.05 CFS	3.2 AF
Priority: 01/21/1974			
SUBTOTAL:		0.05 CFS	7.5 AF
Right No. 36-07622B :			
STOCKWATER	01/01 to 12/31	0.15 CFS	13.0 AF
COMMERCIAL	01/01 to 12/31	0.15 CFS	9.7 AF
Priority: 04/29/1976			
SUBTOTAL:		0.15 CFS	22.7 AF
DAIRY TOTAL:		* 0.20 CFS	* 30.2 AF
TRANSFER TOTAL:		0.80 CFS	150.2 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 26, Township 08S, Range 15E
GOODING County

MICROFILMED MICROFILMED
FEB 07 1997 DEC 11 2003

TRANSFER NO. 4889
WATER RIGHT NO(S). 36-07562E/36-07562F/36-07622A/36-07622B

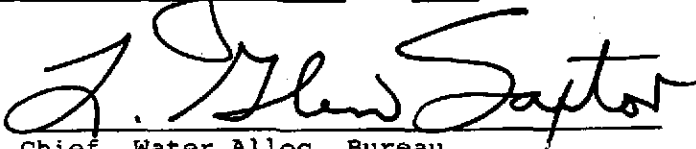
PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	15E	26	NESE	30		30
Total number of acres irrigated:						** 30

PLACE OF USE: COMMERCIAL & STOCKWATER, same as IRRIGATION useCONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. 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.
- ** 6. Right No. 36-07562E is limited to the irrigation of 7.5 acres in the place of use described above in a single irrigation season.
- ** 7. Right No. 36-07622A is limited to the irrigation of 22.5 acres in the place of use described above in a single irrigation season.
- * 8. The total instantaneous diversion of water from all points of diversion under Right Nos. 36-07562F and 36-07622B shall not exceed 0.20 cfs, nor total combined annual volume of 30.2 af for stockwater and commercial uses in connection with a dairy.
9. Prior to the diversion and use of water under this approval, the right holder shall install a suitable measuring device at both points of diversion associated with the dairy and the irrigation well or shall enter into an agreement with the department to determine the amount of water diverted from power records, and shall annually report the information to the department.
10. Two points of diversion are located within NESE, S26, T08S, R15E for use under Right Nos. 36-07562F and 36-07622B in connection with a dairy.
11. That portion of Right No. 36-10038 described as 0.07 cfs for stockwater use is superseded by this approval and shall be considered abandoned.

Dated this 31st day ofJanuary, 1997.


Chief, Water Alloc. Bureau

MICROFILMED

MICROFILMED

DEC 11 2003

FEB 07 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

February 3, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CECELIA W. WRIGHT
JOHN W. WRIGHT
3451 S 2200 E
WENDELL ID 83355

RE: WATER RIGHT NOS: 36-07562E/36-07562F
36-07622A/36-07622B

TRANSFER NO: 4889

Dear Water Right Holder:

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water rights. Please be sure to thoroughly read the Conditions and Remarks listed on the transfer.

The accompanying transfer approval should be considered and treated as a preliminary order of the department issued pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the agency.

MICROFILMED
FEB 07 1997

MICROFILMED
DEC 11 2003

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties, if any, to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

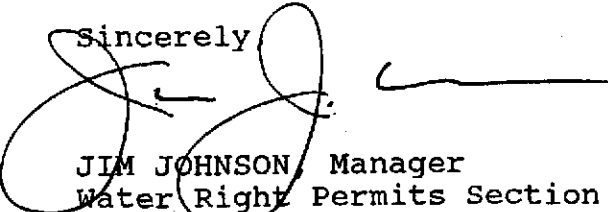
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If you have any questions, please feel free to contact me.

Sincerely



JIM JOHNSON, Manager
Water Right Permits Section

JJ:ph

Enclosure

MICROFILMED
FEB 07 1997

MICROFILMED
DEC 11 2003