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FILED
TWIN FALLS CO., IDAHO
SRBA

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 36-02469G

On May 22, 1998, the Idaho Department of Water Resources filed an *Amended Director's Report* recommending that water right claim 36-02469C be split and decreed as 36-02469F and 36-02469G. 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 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 36-02469G 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

200 DEC 13 PM 3:30

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02469G

200 DEC 13 PM 3:30
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: JOLENE R MILLER
TERRY D MILLER
1200 E 800 N
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.77 CFS
200.00 AFY

USE OF THIS RIGHT WITH RIGHTS 36-02105B, 36-02109D, 36-02342B,
36-02447D, 36-02538B, AND 36-07823B IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.166 CFS AND TO A TOTAL COMBINED
DIVERSION VOLUME OF 516.9 AF.

PRIORITY DATE: 01/24/1961

POINT OF DIVERSION: T07S R26E S30 SWSE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.77 CFS 200.00 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 Blaine County
	T07S 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 50.0 ACRES IN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF RIGHTS 36-02105B, 36-02109D, 36-02342B, 36-02447D,
36-02469G, 36-02538B, AND 36-07823B IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 130.0 ACRES IN A SINGLE IRRIGATION SEASON.

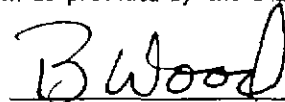
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS 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).

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) : 36-02469G

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 36-02469G 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 D MILLER
Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

JOLENE R MILLER
1200 E 800 N
RUPERT, ID 83350

DIANA DELANEY
Chief Deputy Clerk

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5187
WATER RIGHT NO(S). 36-02105B/36-02538B/36-02342B/36-07823B
36-02109D/36-02447D/36-02469G

This is to certify that: TERRY D MILLER
JOLENE MILLER
1200 E 800 N
RUPERT ID 83350

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. 36-02105B :			
IRRIGATION	04/01 to 10/31	0.31 CFS	93.6 AF
Priority: 01/19/1951			
Right No. 36-02538B :			
IRRIGATION	04/01 to 10/31	0.15 CFS	63.4 AF
Priority: 03/15/1962			
	SUBTOTAL:	** 0.46 CFS	** 93.6 AF
Right No. 36-02342B :			
IRRIGATION	04/01 to 10/31	0.49 CFS	98.4 AF
Priority: 12/20/1957			
Right No. 36-07823B :			
IRRIGATION	04/01 to 10/31	0.23 CFS	48.0 AF
Priority: 09/08/1978			
Right No. 36-02109D :			
IRRIGATION	04/01 to 10/31	0.21 CFS	74.4 AF
Priority: 02/08/1951			
Right No. 36-02447D :			
IRRIGATION	04/01 to 10/31	0.006 CFS	2.5 AF
Priority: 07/22/1960			
Right No. 36-02469G :			
IRRIGATION	04/01 to 10/31	0.77 CFS	200.0 AF
Priority: 01/24/1961			
	TOTAL:	*** 2.166 CFS ***	516.9 AF

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APR 15 1998

TRANSFER NO. 5187
 WATER RIGHT NO(S). 36-02105B/36-02538B/36-02342B/36-07823B
 36-02109D/36-02447D/36-02469G

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 30, Township 07S, Range 26E
 BLAINE County

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>
07S	26E	30	SWSE 32.5	SESE 32.5		65.0
		31	NENE 32.5	NWNE 32.5		65.0
Total number of acres irrigated:						* 130.0

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing
- * 7. Right 36-02105B is limited to the irrigation of 23.4 acres in the place of use described above in a single irrigation season.
- * 8. Right 36-02538B is limited to the irrigation of 23.4 acres in the place of use described above in a single irrigation season.
- * 9. Rights 36-02105B and 36-02538B when combined shall not exceed a
- ** total annual diversion volume of 93.6 af at the field headgate, and the irrigation of 23.4 acres.
- * 10. Right 36-02342B is limited to the irrigation of 24.6 acres in the place of use described above in a single irrigation season.
- * 11. Right 36-07823B is limited to the irrigation of 12.0 acres in the place of use described above in a single irrigation season.
- * 12. Right 36-02109D is limited to the irrigation of 18.6 acres in the place of use described above in a single irrigation season.
- * 13. Right 36-02447D is limited to the irrigation of 20.0 acres in the place of use described above in a single irrigation season.

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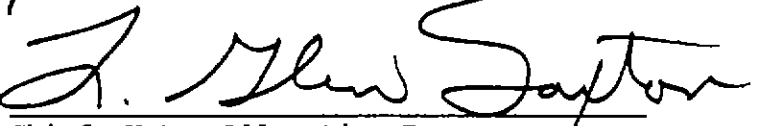
APR 15 1998

TRANSFER NO. 5187
WATER RIGHT NO(S). 36-02105B/36-02538B/36-02342B/36-07823B
36-02109D/36-02447D/36-02469G

CONDITIONS OF APPROVAL AND REMARKS

- * 14. Rights 36-02109D and 36-02447D when combined shall not exceed a the irrigation of 20.0 acres in the place of use described above in a single irrigation season.
- * 15. Right 36-02469G is limited to the irrigation of 50.0 acres in the place of use described above in a single irrigation season.
- * 16. Rights 36-02105B, 36-02109D, 36-02342B, 36-02447D, 36-02469G, *** 36-02538B and 36-07823B when combined shall not exceed a total diversion rate of 2.166 cfs, a total annual diversion volume of 516.9 af at the field headgate, and the irrigation of 130.0 acres.

Dated this 1st day of April, 1998


Chief, Water Allocation Bureau

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APR 15 1998