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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

702 JUN 10 AM 11:55

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 36-02409E

FILED
TWIN FALLS, IDAHO
JUN 10 2002

NAME AND ADDRESS: LINDA K WATERS
TIM H WATERS
1931 HUNT RD
JEROME, ID 83338

SOURCE: GROUNDWATER

QUANTITY: 4.70 CFS
1248.80 AFY

USE OF RIGHT NOS. 36-02409E, 36-02440A, 36-02543A, 36-02637B,
36-07096A AND 36-07613 IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 11.47 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 2804.0 AF.

PRIORITY DATE: 12/02/1959

POINT OF DIVERSION: T08S R20E S29 SENWNW Within Jerome County
S30 SENESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.70 CFS 1248.80 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 & 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 Jerome County
	T08S R20E S29	NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 35.0
		NWSW 40.0	SWSW 40.0
	S30	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NESW 33.0	SESW 33.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S31	NENE 40.0	
	S32	NWNW 40.0	
	701.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 312.2 ACRES IN 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).

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 JAN 10 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 36-02409E

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 36-02409E was mailed
on January 10, 2002, with sufficient first-class postage prepaid
to the following:

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

LINDA K WATERS
TIM H WATERS
1931 HUNT RD
JEROME, ID 83338



LETTIE MESSICK
Chief Deputy Clerk

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2409B

WATER RIGHT NUMBER: 36-2409B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOYCE ADELL BETCKE
	, ID
Current Owner	FRONY M BUTLER
	RT 4 BOX 164
	JEROME, ID 83338
	(208)324-8046

Priority Date: 12/02/1959

Basis: License

Status: Superseded by Decree

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.180 CFS	
	<u>Total Diversion:</u>	1.180 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 30, Twp 08S, Rge 20E, B.M.
JEROME 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	
08S	20E	29										40.0	40.0						80.0

Total Acres: 80

Conditions of Approval:

- 016 See remarks for additional conditions of approval.

Remarks:

- General TRANS. 1609.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2409B

Comments:

1. PSKAGGS 4/12/1999 TRANSFER 5342/SEE X36-02409C & D

Comment: TRANSFER 5342/SEE X36-02409C & D

2. jpeppers 4/16/2002 Superseded by Decree

Comment: This water right has been superseded by decree. Part B was split into C and D, part C was then combined with part A resulting in part E.

Dates and Other Information:

Licensed Date: 4/24/1979

Decreed Date:

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:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False