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Department of Water Resources

2001 JAN 30 PM 3:36

FILED
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

ORDER OF PARTIAL DECREE

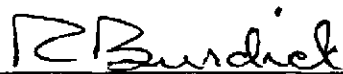
For Water Rights 36-02105A and 36-02105B

On May 22, 1998, an *Amended Director's Report* was filed recommending that water right 36-02105 be split and decreed as water right numbers 36-02105A and 36-02105B. 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 rights 36-02105A and 36-02105B are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED January 30, 2001.



ROGER S. BURDICK
Presiding Judge
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 36-021058

2001 JAN 30 PM 3:36

FILED
TWIN FALLS CO., IDAHO

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

SOURCE: GROUNDWATER

QUANTITY: 0.31 CFS
93.60 AFY

USE OF RIGHTS 36-02105B, 36-02109D, 36-02342B, 36-02447D,
36-02469G, 36-02538B AND 36-07823B IS LIMITED TO A TOTAL COMBINED
COMBINED DIVERSION RATE OF 2.166 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 516.9.

USE OF RIGHTS 36-02105B AND 36-02538B IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 93.6 AF.

PRIORITY DATE: 01/19/1951

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	0.31 CFS 93.60 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
	S31	SESE 32.5
		NENE 32.5
	130.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 23.4 ACRES IN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF RIGHTS 36-02105B AND 36-02538B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 23.4 ACRES 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).

MICROFILMED

MAR 27 2002

2001 JAN 30 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): 36-02105B

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 36-02105B was mailed
on January 30, 2001, with sufficient first-class postage prepaid
to the following:

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

JOLENE R MILLER
TERRY D MILLER
1200 N 800 E
RUPERT, ID 83350

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/30/01

MICROFILMED

MAR 27 2001