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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**

|                       |   |                                 |
|-----------------------|---|---------------------------------|
| <b>In Re SRBA</b>     | ) |                                 |
|                       | ) | <b>ORDER OF PARTIAL DECREE</b>  |
| <b>Case No. 39576</b> | ) |                                 |
| _____                 | ) | <b>For Water Right 36-02038</b> |

On March 1, 2000, a *Special Master's Report and Recommendation* was filed for the above water right. No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 36-02038 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED           JUL 14 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

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 36-02038

200 JUL 14 AM 9:32  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: BANBURY PIPE COMPANY  
PO BOX 82  
GOODING, ID 83330

SOURCE: BANBURY SPRINGS TRIBUTARY: SNAKE RIVER

SOURCE IS ALSO KNOWN AS BLIND SPRINGS.

QUANTITY: 13.25 CFS  
35.00 AFY

THE QUANTITY OF WATER FOR STOCKWATER USE SHALL NOT EXCEED  
13,000 GALLONS PER DAY.

THE QUANTITY OF WATER UNDER THIS RIGHT IN EXCESS OF 9.50 CFS  
IS SUBORDINATED TO ALL GROUNDWATER AND SURFACE WATER RIGHTS  
EXISTING AS OF APRIL 30, 1993.

PRIORITY DATE: 11/10/1922

POINT OF DIVERSION: T08S R14E S33 SWSWNE Within Gooding County  
NNWSE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY  |
|-------------------------------|-------------------------|----------------|-----------|
|                               | Irrigation              | 02-15 TO 11-30 | 13.25 CFS |
|                               | Irrigation Storage      | 01-01 TO 12-31 | 35.00 AFY |
|                               | Irrigation from Storage | 02-15 TO 11-30 | 35.00 AFY |
|                               | Stockwater Storage      | 01-01 TO 12-31 | 4.00 AFY  |
|                               | Stockwater from Storage | 01-01 TO 12-31 | 4.00 AFY  |
|                               | Domestic 34 HOMES       | 01-01 TO 12-31 | 0.68 CFS  |
|                               | Diversion to Storage    | 01-01 TO 12-31 | 1.80 CFS  |

PLACE OF USE: Irrigation Within Twin Falls County  
T08S R14E S28 LOT 03 ( ) LOT 04 ( )  
LOT 07 ( )  
S32 NENE SWNE  
SENE SENW  
NESW NESE  
NWSE SWSE  
SESE  
S33 LOT 02 ( ) LOT 03 ( )  
LOT 06 ( ) LOT 07 ( )  
T09S R14E S04 LOT 03 (NWNW)

|                         |                          |
|-------------------------|--------------------------|
| Irrigation Storage      | Within Twin Falls County |
| Same as Other Use       |                          |
| Irrigation from Storage | Within Twin Falls County |
| Same as Other Use       |                          |
| Stockwater Storage      | Within Twin Falls County |
| Same as Other Use       |                          |
| Stockwater from Storage | Within Twin Falls County |
| Same as Other Use       |                          |
| Domestic                | Within Twin Falls County |
| Same as Other Use       |                          |

PLACE OF USE (continued)

Diversion to Storage  
Same as Other Use

Within Twin Falls County

IRRIGATION UNDER THIS RIGHT IS LIMITED TO 387.5 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR  
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL  
USE.

THE SUBORDINATED PORTION OF THIS WATER RIGHT IN EXCESS OF  
9.50 CFS SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED,  
ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR  
REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY  
TO, OR MITIGATION FOR ANY SURFACE WATER OR GROUNDWATER RIGHTS  
EXISTING AS OF APRIL 30, 1993. IF THE SUBORDINATED PORTION IS  
AVAILABLE AT BANBURY SPRINGS (AKA BLIND SPRINGS), THAT WATER  
SHALL BE AVAILABLE FOR DIVERSION UNDER THIS 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.



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

2000 JUL 14 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): 36-02038

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 36-02038 was mailed  
on July 14, 2000, with sufficient first-class postage prepaid  
to the following:

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

STATE OF IDAHO  
Represented by:  
CLIVE STRONG  
NATURAL RESOURCES  
DEP AG OFFICE OF ATTY GEN  
STATEHOUSE MAIL  
BOISE, ID 83720-0010  
Phone: 208-334-2400

NORTH SNAKE GROUND WATER DIST  
Represented by:  
JOSEPHINE P. BEEMAN  
PO BOX 1427  
BOISE, ID 83701-1427  
Phone: 208-388-8900

CERTIFICATE OF MAILING

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07/14/00

BANBURY PIPE COMPANY  
Represented by:  
PATRICK D. BROWN  
109 S ADAMS ST  
JEROME, ID 83338  
Phone: 208-644-1967

DIANA DELANEY  
Chief Deputy Clerk