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Department of Water Resources

2001 NOV 16 AM 10:31

FILED 24
T-SRBA
J. 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 Rights 34-13661 & 34-13662

On September 5, 2001, the Idaho Department of Water Resources filed an *Amended Director's Report* recommending that water right claim 34-416 be split and decreed as 34-13661 and 34-13662. No objection was filed to this *Amended Director's Report* and the time for filing objections has expired.

Therefore, IT IS ORDERED that water rights 34-13661 and 34-13662 are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED Nov. 16, 2001.

Roger S. Burdick

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 34-13661

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J. IDAHO

NAME AND ADDRESS. ACOR T EVERETT JR
RT 1 BOX 13
MOORE, ID 83255

SOURCE BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 1.00 CFS

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION: T05N R26E S04 NWSESE Within Butte County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	1 00 CFS

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED
IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF
04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE
DIRECTOR

PLACE OF USE: Irrigation Within Butte County
T05N R26E S28 SWSW 7 0 SESW 36.0
43 0 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 2025 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS 34-12376, 34-02426C
34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077,
34-07120, 34-00618, 34-00692C, 34-02330B AND 34-13659.

USE OF THIS RIGHT WITH RIGHT NO. 34-13659 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 43 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER 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.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2001 NOV 16 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): 34-13661

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 34-13661 was mailed
on November 16, 2001, with sufficient first-class postage prepaid
to the following:

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

ACOR T EVERETT JR
Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

ROBBIN GLATZ
Chief Deputy Clerk

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No 5609/67029

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Cannon Shelley Property Limited Partnership, Everett T. Acor, Jr. and Kurt P. Acor Phone (208) 523-0620
Post Office address P.O. Box 50130, Idaho Falls, ID 83405

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other reconfigure water rights on land
2. Describe the reason for the proposed changes To divide water rights to conform to division of land as a result of sale of land by Acors to Cannon

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
	<u>34-00256 ✓ 1365</u>	<u>06/01/1889</u>	<u>0.970</u>	<u>Irrigation</u>	<u>04-15 to 10-15</u>
	<u>34-00416 ✓ 1364</u>	<u>06/01/1896</u>	<u>1.000</u>	<u>Irrigation</u>	<u>04-15 to 10-15</u>
	<u>34-00618 ✓</u>	<u>09/01/1884</u>	<u>3.200</u>	<u>Irrigation</u>	<u>04-15 to 10-15</u>
	<u>34-02330B ✓</u>	<u>06/01/1977</u>	<u>1.750</u>	<u>Irrigation</u>	<u>04-15 to 10-15</u>
	<u>34-02426E ✓ 1363</u>	<u>04/06/1982</u>	<u>1.260</u>	<u>Irrigation</u>	<u>04-15 to 10-15</u>
	<u>34-07077 ✓</u>	<u>09/05/1974</u>	<u>8.000</u>	<u>Irrigation</u>	<u>04-15 to 10-15</u>
	<u>34-07080B ✓</u>	<u>09/23/1974</u>	<u>5.330</u>	<u>Irrigation</u>	<u>04-15 to 10-15</u>
	<u>34-07092 ✓</u>	<u>01/14/1975</u>	<u>12.00</u>	<u>Irrigation</u>	<u>04-15 to 10-15</u>
	<u>34-07120 ✓</u>	<u>12/17/1975</u>	<u>2.000</u>	<u>Irrigation</u>	<u>04-15 to 10-15</u>
	<u>34-07121A ✓</u>	<u>01/09/1976</u>	<u>0.460</u>	<u>Irrigation</u>	<u>04-15 to 10-15</u>
	<u>34-07121B ✓</u>	<u>01/09/1976</u>	<u>3.740</u>	<u>Irrigation</u>	<u>04-15 to 10-15</u>
	<u>34-12376 ✓</u>	<u>06/01/1977</u>	<u>1.250</u>	<u>Irrigation</u>	<u>04-15 to 10-15</u>

2. Total amount of water being transferred 40.26 cubic feet per second and/or acre-feet per annum.

3. Source of water Big Lost River - 34-00256, 34-00416 and 34-00618 tributary to sinks
Source of water Groundwater - all others tributary to sinks

4. Point(s) of Diversion.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	NW	SE	SE	4	5N	26E	Butte ✓	Moore Diversion for 34-00256, 34-00416 and 34-00618 ✓
	SE	NW	SE	29	5N	26E	Butte ✓	Harold Babcock well for 34-02330B and 34-12376 ✓
	SW	SE	NE	32	5N	26E	Butte ✓	North McAfee well for 34-02426B and 34-07121B ✓
	SW	NE	SE	32	5N	26E	Butte ✓	South McAfee well for 34-07080B and 34-07121A ✓
3	NE	NE	NW	5	4N	26E	Butte ✓	Niederer wells (2) for 34-07092 ✓
	NW	NW	NW	21	5N	26E	Butte ✓	Burnett well for 34-07077 and 34-07120 ✓

SUPPORT DATA

IN FILE # 36-13659

T 5609/67029

MEMORANDUM

TO: FILE 34-~~13~~13661
FROM: VAULT
RE: TRANSFER # TC 34-22
DATE: 7-1-02

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 34-692C