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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**

In Re SRBA

Case No. 39576

) **ORDER OF AMENDED PARTIAL**
) **DECREES**
)
) **For water rights: 34-02330B, 34-07080B,**
) **34-07121B and 34-12376**

Partial Decrees were previously issued for each of the above-captioned water rights on July 15, 2002. On December 8, 2003, the Idaho Department of Water Resources notified the Court in writing of clerical errors with respect to the number of irrigated acreage in each of the *Partial Decrees*. On December 10, 2003, the Court issued a *Notice of Court's Intent to Amend Partial Decrees to Correct Clerical Error; I.R.C.P. 60(a)*. Pursuant to notice, a hearing was held on the Court's *Notice of Intent* on February 18, 2004. No party appeared or filed a pleading in opposition to the *Notice of Intent*.

THEREFORE, IT IS ORDERED, that water rights 34-02330B, 34-07080B, 34-07121B and 34-12376 are hereby amended as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated February 19, 2004.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
AMENDED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I R C.P. 54(b) FOR
Water Right 34-12376

FILED
2004 FEB 19 PM 4 47

NAME AND ADDRESS: EVERETT T ACOR JR
3196 N YELLOWSTONE HWY
IDAHO FALLS, ID 83401

SOURCE: GROUNDWATER

QUANTITY: 1.25 CFS

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS. 34-02330B, 34-13663,
34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077,
AND 34-07120.

PRIORITY DATE: 06/01/1977

POINT OF DIVERSION: T05N R26E S29 SENWSE Within Butte County

PURPOSE AND PERIOD OF USE	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.25 CFS

PLACE OF USE.	Irrigation	Within Butte County
T03N R25E S12	NENE 39.0 SWNE 40.0 NENW 40.0 SWNW 40.0 NESW 31.0 SWSW 31.0 NESE 39.0 SWSE 36.0	NWNE 40.0 SENE 39.0 NWNW 40.0 SENW 40.0 NWSW 32.0 SESW 32.0 NWSE 40.0 SESE 36.0
R26E S17	NENE 11.0 NENW 37.0 SWNW 13.0	NWNE 25.0 NWNW 39.0 SENW 5.0
S18	NENE 35.0 SWNE 36.0 NENW 38.0 SWNW 37.0 NESW 17.0 NWSE 2.0	NWNE 39.0 SENE 25.0 NWNW 26.0 SENW 40.0 NWSW 10.0
T04N R25E S35	NENE 40.0 SWNE 40.0 NESW 20.0 NESE 40.0 SWSE 40.0	NWNE 40.0 SENE 40.0 SESW 20.0 NWSE 40.0 SESE 40.0
S36	NENE 38.0 SWNE 40.0 NENW 40.0 SWNW 40.0 NESW 40.0 SWSW 40.0 NESE 39.0 SWSE 40.0	NWNE 40.0 SENE 39.0 NWNW 40.0 SENW 40.0 NWSW 40.0 SESW 40.0 NWSE 40.0 SESE 39.0
2025.0 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-02330B, 34-13663,

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077,
34-07120, 34-00618, 34-00692C, 34-13659 AND 34-13661.

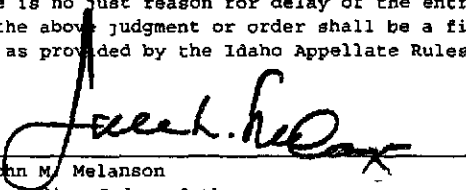
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 87.5 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2004 FEB 19 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): 34-12376

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 34-12376 was mailed
on February 19, 2004, 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

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

CERTIFICATE OF MAILING

FILED

PAGE 1
02/19/04

FEB 23 2004

BIG LOST RIVER WTR USERS ASSN

Represented by:

WILLIAM R HOLLIFIELD

249 THIRD AVENUE EAST (83301)

PO BOX 66

TWIN FALLS, ID 83303-0066

Phone: 208-734-5610

JULIE MURPHY

Chief Deputy Clerk

Page 1 of 31

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 ✓ 13451</u>	<u>06/01/1889</u>	<u>0.970</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
<u>34-00416 ✓ 1346</u>	<u>06/01/1896</u>	<u>1.000</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
<u>34-00618 ✓</u>	<u>09/01/1884</u>	<u>3.200</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
<u>34-02330B ✓</u>	<u>06/01/1977</u>	<u>1.750</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
<u>34-02426E ✓ 13463</u>	<u>04/06/1982</u>	<u>1.260</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
<u>34-07077 ✓</u>	<u>09/05/1974</u>	<u>8.000</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
<u>34-07080B ✓</u>	<u>09/23/1974</u>	<u>5.330</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
<u>34-07092 ✓</u>	<u>01/14/1975</u>	<u>12.00</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
<u>34-07120 ✓</u>	<u>12/17/1975</u>	<u>2.000</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
<u>34-07121A ✓</u>	<u>01/09/1976</u>	<u>0.460</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
<u>34-07121B ✓</u>	<u>01/09/1976</u>	<u>3.740</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
<u>34-12376 ✓</u>	<u>06/01/1977</u>	<u>1.250</u>	<u>Irrigation</u>	<u>04-15</u> to <u>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 34-02426E 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 # 34-13659

T 5609/67029

MEMORANDUM

TO: FILE 34-12376

FROM: VAULT

RE: TRANSFER # 5609

DATE: 1/3/2000

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

FILE # 34-00256