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Department of Water Resources

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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 PARTIAL DECREE

For Water Right 34-7092

On February 19, 1999, 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.

On June 24, 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 1, IDWR Basin 34, 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 right 34-7092 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 15, 2002.



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

SCANNED

JUL 17 2002

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 34-07092

202 JUL 15 PM 3:20
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

SOURCE: GROUNDWATER

QUANTITY: 12.00 CFS

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS. 34-12376, 34-13663,
34-07080B, 34-07121A, 34-07121B, 34-02330B, 34-07179, 34-07077,
AND 34-07120.

PRIORITY DATE: 01/14/1975

POINT OF DIVERSION: T04N R26E S05 LOT 3 (NENENW) Within Butte County

TWO POINTS OF DIVERSION LOCATED IN T04N, R26E, S05, LOT 3,
(NENENW).

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	12.00 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 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 Butte County
T04N R25E S36	NENE 38.0	NWNE 40.0
	SWNE 40.0	SENE 39.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 39.0	NWSE 40.0
	SWSE 40.0	SESE 39.0
	635.0 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.: 34-12376, 34-13663,
34-07080B, 34-07121A, 34-07121B, 34-02330B, 34-07179, 34-07077,
34-07120, 34-00618, 34-00692C, 34-13659 AND 34-13661.

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).

SCANNED

JUL 17 2002

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 JUL 15 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): 34-07092

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 34-07092 was mailed
on July 15, 2002, with sufficient first-class postage prepaid
to the following:

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

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

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

SCANNED

JUL 17 2002

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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</u> ✓ <u>13654</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</u> ✓ <u>13641</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</u> ✓ <u>13643</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 34-02426B 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 # 34-13659

T 5609/67029