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ORDER OF PARTIAL DECREE

SUBCASES: 34-07077, 34-07120.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

DIANA DELANEY
Chief Deputy Clerk

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 34-07077

771 JUN 22 AM 10:51
FILED

NAME AND ADDRESS KURT P ACOR
PO BOX 63C
MOORE, ID 83255

SOURCE GROUNDWATER

QUANTITY 8 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, 34-02426C,
34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-02330B,
AND 34-07120.

THIS RIGHT AND RIGHT NO 34-07120 ARE LIMITED TO A TOTAL
COMBINED RATE OF DIVERSION OF 9 26 CFS.

PRIORITY DATE 09/05/1974

POINT OF DIVERSION T05N R26E S21 NWNWNW Within Butte County

PURPOSE AND PERIOD OF USE PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 11-01 8.00 CFS

PLACE OF USE	Irrigation		Within Butte County
	T03N R25E S12	NENE 39 0	NWNE 40.0
		SWNE 40.0	SENE 39 0
		NENW 40.0	NWNW 40 0
		SWNW 40 0	SENW 40 0
		NESW 31 0	NWSW 32 0
		SWSW 31 0	SESW 32 0
		NESE 39 0	NWSE 40 0
		SWSE 36 0	SESE 36 0
	R26E S17	NENE 11 0	NWNE 25 0
		NENW 37.0	NWNW 39 0
		SWNW 13 0	SENW 5.0
	S18	NENE 35 0	NWNE 39.0
		SWNE 36.0	SENE 25.0
		NENW 38.0	NWNW 26.0
		SWNW 37 0	SENW 40 0
		NESW 17.0	NWSW 10 0
		NWSE 2 0	
	T04N R25E S35	NENE 40 0	NWNE 40 0
		SWNE 40.0	SENE 40 0
		NESW 20 0	SESW 20.0
		NESE 40 0	NWSE 40.0
		SWSE 40 0	SESE 40.0
	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
	2025 0 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO

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

PLACE OF USE (continued)

THE IRRIGATION OF A COMBINED TOTAL OF 2307 ACRES IN A SINGLE
IRRIGATION SEASON COMBINED RIGHT NOS 34-12376, 34-02426C,
34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-02330B,
34-07120, 34-00618, 34-00692C, 34-00256 AND 34-00415

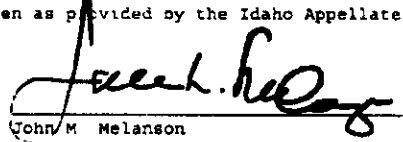
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 200 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON

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 JUN 22 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): 34-07077

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 34-07077 was mailed
on June 22, 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

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

CERTIFICATE OF MAILING

PAGE 1
06/22/04

BIG LOST RIVER WTR USERS ASSN

Represented by:

WILLIAM R HOLLIFIELD

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DIANA DELANEY

Chief Deputy Clerk

CERTIFICATE OF MAILING

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06/22/04

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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 ✓ 136</u>	<u>06/01/1889</u>	<u>0.970</u>	<u>Irrigation</u>	<u>04-15 to 10-15</u>
	<u>34-00416 ✓ 136</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 ✓ 137</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 ✓

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	34-00416 ✓ 1344	06/01/1896	1.000	Irrigation	04-15 to 10-15
	34-00618 ✓	09/01/1884	3.200	Irrigation	04-15 to 10-15
	34-02330B ✓	06/01/1977	1.750	Irrigation	04-15 to 10-15
	34-02426E ✓ 1344	04/06/1982	1.260	Irrigation	04-15 to 10-15
	34-07077 ✓	09/05/1974	8.000	Irrigation	04-15 to 10-15
	34-07080B ✓	09/23/1974	5.330	Irrigation	04-15 to 10-15
	34-07092 ✓	01/14/1975	12.00	Irrigation	04-15 to 10-15
	34-07120 ✓	12/17/1975	2.000	Irrigation	04-15 to 10-15
	34-07121A ✓	01/09/1976	0.460	Irrigation	04-15 to 10-15
	34-07121B ✓	01/09/1976	3.740	Irrigation	04-15 to 10-15
	34-12376 ✓	06/01/1977	1.250	Irrigation	04-15 to 10-15

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5609/67029