

No Color
Documents
In File

RECEIVED

2002 AUG -1 PM 12: 56

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 31-07616**
)

On June 27, 2002, 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 31-07616 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I R C P 54(b).

DATED August 1, 2002

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

U.M.D.
next 3 pages
is all that
has been scanned

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 31-07616

2002 AUG -1 PM 12:58

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BLAINE L LARSEN
CONNIE LARSEN
PO BOX 188
HAMER, ID 83425-0188

SOURCE. GROUND WATER

QUANTITY 0.37 CFS
105 00 AFY

USE OF THIS RIGHT WITH 31-07608 IS LIMITED TO A FIVE YEAR
AVERAGE ANNUAL DIVERSION VOLUME OF 92 AF. THE COMBINED
DIVERSION VOLUME OF RIGHTS LISTED BELOW IS LIMITED TO A FIVE
YEAR AVERAGE ANNUAL VOLUME OF 413 AF. COMBINED RIGHT
NOS 31-07605, 31-07607, 31-07608, 31-07613, 31-07616. THE
COMBINED DIVERSION VOLUME OF RIGHTS LISTED BELOW SHALL NOT
EXCEED 7540 AF PER YEAR WHEN AVERAGED OVER A ROLLING FIVE YEAR
PERIOD. COMBINED RIGHTS. 31-07052C, 31-07052N, 31-07052P, 31-07214,
31-07214D, 31-07368A, 31-07368B, 31-07369B, 31-07369C, 31-07069D,
31-07439B, 31-07605, 31-07606, 31-07607, 31-07608, 31-07609, 31-07610,
31-07611, 31-07612, 31-07613, 31-07614, 31-07615, 31-07616, 31-07617,
31-07618, 31-07619, 31-07620, 31-07621, 31-07622, 31-07623, 31-07624,
31-07625, 31-07626, 31-07627, 31-07628, 31-07629, 31-07630, 31-07631,
31-07632, 31-07633, 31-07634, 31-07635, 31-07636, 31-07637, 31-07638

PRIORITY DATE. 05/02/1978

POINT OF DIVERSION T09N R36E S27 NESWN Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.37 CFS 105.00 AFY

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 Clark County
T09N R36E S27	NENW 19 1 SWNW 40 0 NESW 7 1 S28 NENE 8 2	NWNW 34.0 SENW 32 0 NWSW 18 0 SENE 18 0
	176.4 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 44.7 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 176.4 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT
NOS 31-07605, 31-07607, 31-07608, 31-07613 AND 31-07616

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

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

OTHER PROVISIONS (continued)

THE USE OF WATER WITHIN THE SENE, S28, T09N, R36E IS LIMITED TO THE EAST HALF OF THAT PLACE OF USE.

THE RIGHT HOLDER SHALL PROVIDE AN ANNUAL SUMMARY OF PUMPING VOLUMES TO THE DEPARTMENT AS PUBLIC RECORD.***

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
Presiding Judge of the
Snake River Basin Adjudication

2002 AUG 01 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): 31-07616

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 31-07616 was mailed
on August 01, 2002, with sufficient first-class postage prepaid
to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

BLAINE L LARSEN
CONNIE LARSEN
PO BOX 188
HAMER, ID 83425-0188
Phone: 208-622-5501

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
08/01/02

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4513
WATER RIGHT NO(S). 32-07057D/~~32-07094D~~

31-07616

This is to certify that: **CONNIE LARSEN**
BLAINE LARSEN
PO BOX 188
HAMER ID 83425

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 32-07057D : IRRIGATION	04/15 to 10/15	0.38 CFS	105.0 AF
Right No. 32-07094D : IRRIGATION	04/15 to 10/15	0.37 CFS	105.0 AF
TOTAL:		0.75 CFS	105.0 AF

DATE OF PRIORITY:

Right No. 32-07057D : 06/01/1987

Right No. 32-07094D : 05/02/1978

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 27, Township 09N, Range 36E
CLARK County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N 36E 27	NENW 19	NWNW 38.9	SWNW 32.5	
	SEnw 32	NESW 6	NWSW 15	143.4
28	NENE 12	SENE 21		33
Total number of acres irrigated:				* 176.4

CONDITIONS/REMARKS:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

MICROFILMED

MAY 16 1995

TRANSFER NO. 4513
WATER RIGHT NO(S). 32-07057D/32-07094D

CONDITIONS/REMARKS:

3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- *4. Combined Right Nos. 32-07057D and 32-07094D are limited to the irrigation of a combined total of 44.7 acres in the place of use described above in a single irrigation season, and a total combined annual volume of 105 acre feet.
5. The five year average annual volume diverted under combined Right Nos. 32-07057D, 32-07094D, 32-07022L, 32-07022Q and 32-07095B shall not exceed 413.0 acre feet.
6. The following combined rights shall not exceed 7,540.0 acre feet per year when averaged over a rolling five year period:
31-07052C, 31-07052N, 31-07052P, 31-07214B, 31-07214D, 31-07368A, 31-07368B, 31-07369B, 31-07369C, 31-07369D, 31-07439B, 32-07022L, 32-07022N, 32-07022Q, 32-07022S, 32-07052D, 32-07052E, 32-07052F, 32-07052H, 32-07056D, 32-07056F, 32-07057D, 32-07057F, 32-07057H, 32-07078D, 32-07078E, 32-07078F, 32-07078G, 32-07078H, 32-07079C, 32-07079E, 32-07079F, 32-07079G, 32-07079J, 32-07093D, 32-07093F, 32-07094D, 32-07094F, 32-07094H, 32-07095B, 32-07118B, 32-07118C, 32-07118D, 32-07119A, and 32-07119B.
7. A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works and made accessible to inspection by pertinent parties. The right holder shall provide an annual summary of pumping volumes to the Department.
8. Point of diversion is identified as no. 107.

Dated this

28th day of

April

1995

J. Shind Saylor
Chief, Water Alloc. Bureau

MICROFILMED
MAY 16 1995

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

April 28, 1995

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Blaine and Connie Larsen
PO Box 188
Hamer, Idaho 83425
Atten: Jim Bell

RE: Approved Transfer and Amendment Applications

Dear Jim:

Enclosed are 21 approved transfer applications and 9 amendment of permit applications covering approximately 3200 acres.

All of the points of diversions associated with the water rights listed must have department approved measuring devices installed. I am sending you 1995 Reporting Forms for each diversion listed on the enclosed water rights. The form must be completed during 1995, and returned to the Department on or before January 15, 1996.

Also enclosed are Water Measurement Certification forms for 1995. Please fill in the meter and piping information on the front page.

If the meter was installed after December 8, 1994, you must sign the form at the bottom of the first page, verifying that the meter was installed according to both the Department's and the manufacturer's specifications.

If your meter was installed prior to December 8, 1994, you must calibrate your meter, and complete the back page of the Water Measuring Device Certification form. The Department will accept calibration by a second metering device (such as a sonic meter, or pitot gauge), a volume-time measurement (such as timing how long it takes to fill a fixed volume bucket at representative locations), or a comparison of a chemical or dye concentration before and after it is injected into a delivery system. If you wish to calibrate using any method other than another measuring device, please contact the Department for proper standards.

Once you've completed the Measuring Device Certification Form, you may send it to the Department immediately, or send it with the annual report. You will only be required to calibrate your meter once every four years, unless the meter is replaced or you know it is not reading accurately. Remember that although the meter must only be calibrated every four years, you must keep it in good repair, and read and report your diversions every year.

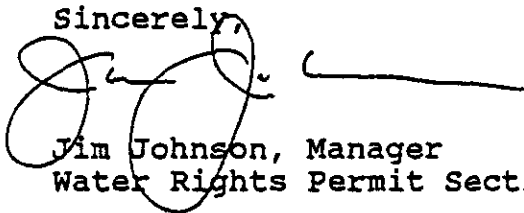
RECORDED

MAY 16 1995

As per agreement annual volumes are restricted to the amounts identified on each approved transfer. You should maintain records that show the five year rolling averages for each diversion and a five year rolling average for all of the water rights identified in the enclosed set of approvals.

If you have any questions let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Johnson", followed by a horizontal line.

Jim Johnson, Manager
Water Rights Permit Section

RECORDED

MAY 16 1995

MEMORANDUM

TO: FILE 32-07094 D

FROM: PAM SKAGGS *in*

RE: TRANSFER # 4513

DATE: 5/2/75

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 32-07057D.

MAY 16 1975