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NOV - 7 2003

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 NOV 6 PM 4 20

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 36-00133

On July 9, 2003, 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 36-00133 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 6, 2003.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

DISTRICT COURT - SRBA
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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
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In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR **2003 NOV 6 PM 4 20**
Water Right 36-00133

NAME AND ADDRESS: BIG BEND IRRIGATION & MINING
CO.
C/O PAM WASCHER
PO BOX 334
HAGERMAN,, ID 83332-0334

SOURCE: UPPER TUCKER SPRINGS TRIBUTARY: RILEY CREEK

QUANTITY: 20.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-192 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 34.05 CFS INCLUDING CONVEYANCE LOSSES
DURING THE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-192 IS LIMITED TO 26.4 CFS
FOR IRRIGATION USE, 1.03 CFS FOR STOCKWATER USE, 0.28 CFS FOR
DOMESTIC USE AND 6.34 CFS FOR WILDLIFE USE.
USE OF THIS RIGHT WITH RIGHT NO. 36-192 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.31 CFS INCLUDING CONVEYANCE LOSSES
DURING THE NON-IRRIGATION SEASON.
USE OF THIS RIGHT TOGETHER WITH ALL RIGHTS DELIVERED THROUGH
THE BIG BEND DITCH SHALL NOT EXCEED 35 CFS.

PRIORITY DATE: 12/17/1903

THE PORTION OF COMBINED WATER RIGHT NOS. 36-133 AND 36-192 IN
EXCESS OF A TOTAL COMBINED DIVERSION RATE OF 19 CFS IS
SUBORDINATED TO ALL GROUND WATER RIGHTS WITH PRIORITY DATES OF
DECEMBER 31,1999 OR EARLIER.

POINT OF DIVERSION: T07S R13E S36 NWSESE Within Gooding County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	1.03 CFS
	Domestic	01-01 TO 12-31	0.28 CFS
	Wildlife	02-15 TO 11-30	6.34 CFS
	Wildlife Storage	01-01 TO 12-31	2.50 CFS
	Irrigation	02-15 TO 11-30	20.00 CFS

PLACE OF USE:

Stockwater		Within Gooding County	
T07S R13E S15	SWSW	SESE	
S16 LOT 6	(SWSE)	LOT 6 (SESE)	
S21 LOT 1	(NENE)	LOT 1 (NWNE)	
LOT 5	(SENE)		
S22	NENE	NWNE	
	SWNE	SENE	
	NENW	NWNW	
	SWNW	SENE	
	NESE	NWSE	
	SESE		
S23	SWNW	SENE	
	NESW	NWSW	
	NWSE	SWSE	
S25	SWSW		
S26	NWNE	SWNE	
	SWNW	NWSW	
	NWSE	SWSE	
	SESE		

PLACE OF USE (continued)

S27	NENE	NWNE
	SWNE	SENE
	NESE	NWSE
S35	NENE	NWNE
	SENE	
S36	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NWSE	SWSE
	SESE	
Wildlife		Within Gooding County
T07S R13E S21 LOT 1	(NENE)	
S22	NENW	NWNW
S36	NWNW	NESW
	SESW	NWSE
	SWSE	
Wildlife Storage		Within Gooding County
T07S R13E S22	NENW	
Domestic		Within Gooding County
T07S R13E S21 LOT 5	(SENE)	
S22	NENE	

PLACE OF USE IS WITHIN THE BOUNDARY OF THE BIG BEND IRRIGATION AND MINING CO.
USE OF THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 361 ACRES IN A SINGLE IRRIGATION SEASON.

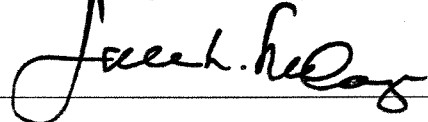
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE SUBORDINATED PORTIONS OF THIS WATER RIGHT AND WATER RIGHT NO. 36-192 SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY GROUND WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER. THE SUBORDINATIONS SHALL RUN WITH AND BE A PERPETUAL SERVITUDE UPON THIS WATER RIGHT AND WATER RIGHT NO. 36-192 INCLUDING ANY TRANSFERS OF THESE WATER RIGHTS.

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.



Presiding Judge of the
Snake River Basin Adjudication

2003 NOV 06 PM 02:00
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
)
Case No. 39576)
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CERTIFICATE OF MAILING

Water Right(s): 36-00133

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 36-00133 was mailed
on November 06, 2003, 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

BIG BEND IRRIGATION & MINING
Represented by:
JOHN K. SIMPSON
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CERTIFICATE OF MAILING

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11/06/03

N SNAKE GROUND WATER DIST, MAY
NORTH SNAKE GROUND WATER DIST

Represented by:
JOSEPHINE P. BEEMAN
409 WEST JEFFERSON STREET
BOISE, ID 83702
Phone: 208-331-0950

IDAHO DEPT OF FISH & GAME
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

JULIE MURPHY
Chief Deputy Clerk