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Department of Water Resources

Cr. No.	Case No.
35-07602B	35-07602B
By _____	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

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right 35-07602B

On June 11, 2003, an *Order Granting Motions to Withdraw Response and Objection and Special Master's Report* was filed for the above water right. No Challenges were filed to the *Special Master's Report* 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 35-07602B is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 31, 2003.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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 35-07602B

By _____
Deputy Clerk

NAME AND ADDRESS: D NEIL MORGAN
JULIA A MORGAN
762 W HWY 39
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT
SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUND WATER DIVERTED
UNDER THIS RIGHT AND SHALL ONLY DIVERT GROUND WATER UNDER THIS
RIGHT WHEN WATER FROM THE APPURTENANT SURFACE WATER RIGHTS CANNOT
BE DELIVERED TO THE RIGHT HOLDER

QUANTITY: 1.61 CFS
294.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.95 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 604 AF. COMBINED RIGHT NOS. 35-7602B,
35-07717 AND 35-12922.

PRIORITY DATE: 04/09/1976

POINT OF DIVERSION: T02S R34E S35 LOT 4 (NESWSW) Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.61 CFS 294.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T02S R34E S35	SENW 5.0 NESW 35.0
		NWSW 37.0 LOT 4 (SWSW)39.0
	LOT 3 (SESW)35.0	
	151.0 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 151 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-7602B, 35-07717 AND
35-12922.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 84 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.

A handwritten signature in black ink, reading "Roger Burdick", is written over a horizontal line.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication