

RECEIVED

JUL 25 2003

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2003 JUL 24 PM 2 16

**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

Subcase Nos. Attached

Case No. 39576

CERTIFICATION

State of Idaho

County of Twin Falls ss.

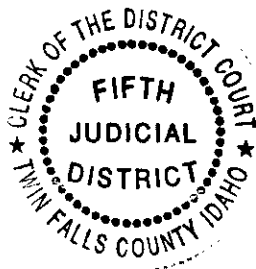
I hereby certify the attached Partial Decrees to be full, true and correct copies of the originals on file with the Snake River Basin Adjudication District Court.

DATED July 24, 2003.



Deputy Clerk of the Court
Snake River Basin Adjudication

CERTIFICATION
G:\SHELLEY\STUFF\CERTIFY.DOC



State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.

ROBERT S. FORT

CLERK OF THE DISTRICT COURT

By 
DEPUTY CLERK

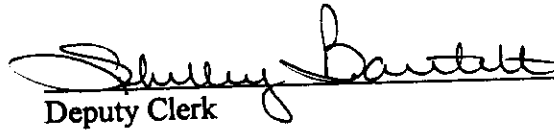
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

I certify that a true and correct copy of each *Partial Decree Pursuant to I.R.C.P. 54(b)*
attached was mailed on July 24, 2003, by first-class mail to the claimant listed on the *Partial Decree*.


Deputy Clerk

IN THE DISTRICT COURT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
DISTRICT COURT SRBA
TWIN FALLS CO., IDAHO

FILED

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

2003 JUL 23 AM 11 24

Water Right 36-08760

NAME AND ADDRESS: SOUTHFIELD DAIRY
3308 S 1600 E
WENDELL, ID 83355

SOURCE: GROUND WATER

QUANTITY: 1.52 CFS
304.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.82 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1304 AF. COMBINED RIGHT NOS.:
36-7157A, 36-2907, 36-8760.

PRIORITY DATE: 12/04/1990

POINT OF DIVERSION: T08S R14E S04 SWSESW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.52 CFS 304.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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 Gooding County
T08S R14E S04	SWNE 31.0 LOT 4	(NWNW) 22.0
	SWNW 31.0	NWSW 24.0
	SWSW 31.0	SWSE 31.0
S05 LOT 1	(NENE) 32.0 LOT 2	(NENW) 32.0
	NESW 6.0	NESE 22.0
S09	NWNE 31.0	NWNW 33.0
326.0 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 326 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-7157A, 36-2907,
36-8760.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 76 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

As mitigation for potential injury that might otherwise occur as
a result of Transfer No. 3868, no water shall be diverted under
Right No. 36-02907. Use of Water Right No. 36-02907 for
mitigation purposes under this transfer shall be deemed by the
department to constitute a beneficial use of water. By approval
of this transfer, mitigation right No. 36-02907 with a rate of
diversion of 0.80 cfs and an annual volume of 120 af for the
irrigation of 40 acres shall be considered appurtenant to the
same place of use as authorized by this transfer. Approval of

OTHER PROVISIONS (continued)

this transfer contingent upon the mitigation herein provided shall not be deemed conclusive as to the adequacy of the mitigation in the event of a priority call affecting the diversion and use of water under water Right No. 36-08760. The remaining portion of Right No. 37-07n excess of the amount approved for transfer shall be considered abandoned. The right holder shall install a suitable measure for measuring the amount of water diverted and shall annually report the information to the department. Failure to comply with the conditions of this transfer is cause for the department to rescind approval of the transfer.

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