

2003 MAY 22 AM 11 42

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	)	FINAL ORDER DISALLOWING WATER
	)	RIGHT CLAIM 36-07580
	)	
Case No. 39576	)	ORDER OF PARTIAL DECREES FOR
	)	WATER RIGHTS 36-07580B, 36-07580C, and
	)	36-07580D
_____	)	

On April 11, 2002, the Idaho Department of Water Resources (IDWR) filed a *Notice of Completed Administrative Proceeding* and an attached *Amended Director's Report* recommending that water right 36-07580 be split into water rights 36-07580B, 36-07580C, and 36-07580D. The *Report* further recommended and 36-07580B, 36-07580C, and 36-07580D be decreed as recommended and that water right 36-07580 be decreed disallowed. No objections were filed to the recommendations and the time for filing objections has now expired.

THEREFORE IT IS ORDERED AND ADJUDGED that water right claim 36-07580 is hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

IT IS FURTHER ORDERED AND ADJUDGED that water rights 36-07580B, 36-07580C, and 36-07580D be decreed with the elements as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

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.

Dated May 22, 2003.

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

ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the FINAL ORDER
DISALLOWING WATER RIGHT CLAIM 36-07580 AND ORDER OF PARTIAL
DECREE FOR RIGHTS 36-07580B, C, AND D was mailed on April 15,
2003, with sufficient first-class postage to the following:

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

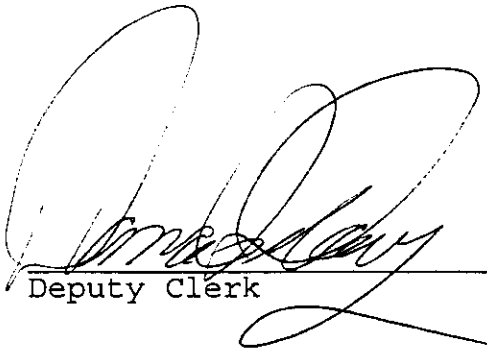
LARRY E LOVELAND
RT 3 BOX 3269
RUPERT, ID 83350
Phone: 208-532-4184

YOUNG & YOUNG PARTNERSHIP
300A E 1600 N
RUPERT, ID 83350

ORDER

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FILE COPY FOR 00958


Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2003 MAY 22 AM 11 42

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-07580C

NAME AND ADDRESS: YOUNG & YOUNG PARTNERSHIP
300A E 1600 N
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 3.53 CFS
691.20 AFY

USE OF THIS RIGHT WITH RIGHT NO 36-02410C IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.24 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1136.0 AF.

USE OF RIGHT NOS. 36-02058B, 36-02058C, 36-02058D, 36-02075B,
36-02075D, 36-02075E, 36-02075F, 36-02191, 36-02193, 36-02233D,
36-02233B, 36-02410B, 36-02410C, 36-02410D, 36-02454B, 36-02530A,
36-02591, 36-02619, 36-02620, 36-02653B, 36-02653N, 36-02653P,
36-02530B, 36-02653Q, 36-04006, 36-07007B, 36-07021A, 36-07021C,
36-07041, 36-07042, 36-07391, 36-07580B, 36-07580C, 36-07580D,
36-07795A, 36-07795B, 36-08068B, 36-08068D, 36-08068E, 36-08068F,
36-08069N, 36-08069P, 36-08069Q, 36-08251E, 36-08274A, 36-08274B,
36-08275B, 36-08404, 36-08775, 36-08776, 36-08777, 36-08778,
36-11290, 36-11340, 36-15366B, 36-15366C, 36-15366D, 36-15456A,
36-15456B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE
OF 119.01 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME
OF 34,296.0 AF.

PRIORITY DATE: 11/21/1975

POINT OF DIVERSION: T06S R23E S26 SWNENW Within Minidoka County
SWNESW
S32 SWSWSE Within Lincoln County
S33 NWNWNE
NESESW
R24E S31 SWNENE Within Minidoka County
LOT 07 (SENESEW)
S32 SESENE
NWNWSW
S33 NESWNW
SWSESW
T07S R23E S01 NENESW
S03 LOT 03 (NENENW)
S11 SESENE
SENWSW
NESWSE
S12 SWSENE
NWSENW
NWSSEW
S13 NESWNE
NESWNW
S14 NESWNE
SENESEW
S24 NENENE
NESWSW
R24E S04 NWNESE
S06 NENESE
S07 SWNWNE
S11 NWSWNW
S16 NWNWSW
S20 SESENE

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

POINT OF DIVERSION (continued)

S21 SWNNWNW

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	3.53 CFS
		691.20 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 Minidoka County
T06S R23E S26	NENW 33.0	NWNW 33.0
	SWNW 33.0	SENW 33.0
	NESW 33.0	NWSW 33.0
	SWSW 33.0	SESW 33.0
S32	NESW 30.5	NWSW 30.5
	SWSW 30.5	SESW 30.5
	NESE 30.5	NWSE 30.5
	SWSE 30.5	SESE 30.5
S33	NENE 32.5	NWNE 32.5
	SWNE 32.5	SENE 32.5
	NENW 32.5	NWNW 32.5
	SWNW 32.5	SENW 32.5
	NESW 32.5	NWSW 32.5
	SWSW 32.5	SESW 32.5
	NESE 32.5	NWSE 32.5
	SWSE 32.5	SESE 32.5
S36	SESW 7.0	SWSE 20.0
	SESE 9.0	
R24E S28	NWSW 33.0	SWSW 38.0
	SESW 39.0	
S29	SESE 35.0	
S30	SWSE 15.0	SESE 30.0
S31	NENE 39.0	NWNE 40.0
	SWNE 35.0	SENE 29.0
LOT 01 (NENW)	8.0	LOT 05 (SWNW) 29.0
LOT 06 (SENW)	15.0	LOT 07 (NESW) 38.0
LOT 08 (NWSW)	55.0	LOT 10 (SWSW) 49.0
LOT 12 (SESW)	34.0	NESE 37.0
	NWSE 40.0	SWSE 37.0
	SESE 29.0	
S32	NENE 33.0	NWNE 33.0
	SWNE 39.0	SENE 38.0
	NENW 33.0	NWNW 33.0
	SWNW 38.0	SENW 39.0
	NESW 39.0	NWSW 38.0
	SWSW 33.0	SESW 33.0
	NESE 38.0	NWSE 39.0
	SWSE 33.0	SESE 33.0
S33	NENW 39.0	NWNW 38.0
	SWNW 39.0	SENW 39.0
	NESW 39.0	NWSW 38.0
	SWSW 20.0	SESW 33.0
T07S R23E S01 LOT 01 (NENE)	18.0	LOT 02 (NWNE) 18.0
	SWNE 39.0	SENE 39.0
LOT 03 (NENW)	18.0	LOT 04 (NWNW) 18.0
	SWNW 39.0	SENW 39.0
	NESW 36.0	NWSW 36.0

PLACE OF USE (continued)

	SWSW 33.0	SESW 33.0
	NESE 36.0	NWSE 36.0
	SWSE 33.0	SESE 33.0
S02 LOT 01	(NENE) 18.0	LOT 02 (NWNE) 18.0
	SWNE 37.0	SENE 37.0
LOT 03	(NENW) 18.0	LOT 04 (NWNW) 18.0
	SWNW 37.0	SENE 37.0
	NESW 27.0	NWSW 27.0
	SWSW 39.0	SESW 39.0
	NESE 31.0	NWSE 22.0
	SWSE 21.0	SESE 36.0
S03 LOT 01	(NENE) 18.0	LOT 02 (NWNE) 18.0
	SWNE 37.0	SENE 37.0
LOT 03	(NENW) 18.0	LOT 04 (NWNW) 18.0
	SWNW 37.0	SENE 37.0
	NESW 10.0	NWSW 10.0
	NESE 27.0	NWSE 27.0
	SWSE 39.0	SESE 39.0
S10	NENE 9.0	NWNE 9.0
S11	NENE 32.5	NWNE 32.5
	SWNE 32.5	SENE 32.5
	NENW 9.0	NWNW 9.0
	NESW 32.5	NWSW 32.5
	SWSW 32.5	SESW 32.5
	NESE 32.5	NWSE 32.5
	SWSE 32.5	SESE 32.5
S12	NENE 33.0	NWNE 33.0
	SWNE 33.0	SENE 33.0
	NENW 33.0	NWNW 33.0
	SWNW 33.0	SENE 33.0
	NESW 33.0	NWSW 33.0
	SWSW 39.0	SESW 39.0
	NESE 33.0	NWSE 33.0
	SWSE 39.0	SESE 33.0
S13	NENE 33.0	NWNE 39.0
	SWNE 33.0	SENE 33.0
	NENW 39.0	NWNW 38.0
	SWNW 33.0	SENE 33.0
	NESW 38.0	NWSW 38.0
	SWSW 33.0	SESW 39.0
	NESE 33.0	NWSE 38.0
	SWSE 38.0	SESE 35.0
S14	NENE 32.5	NWNE 15.0
	SENE 32.5	NESE 37.0
	NWSE 33.0	SWSE 14.0
	SESE 25.0	
S24	NENE 36.0	NWNE 17.0
	SWNE 28.0	SENE 17.0
	NENW 15.0	NWNW 1.0
	SWNW 36.0	SENE 36.0
	NESW 39.0	NWSW 32.0
	SWSW 37.0	SESW 37.0
	NESE 36.0	NWSE 39.0
	SWSE 35.0	SESE 32.0
R24E S02 LOT 01	(NENE) 9.0	LOT 02 (NWNE) 9.0
	SWNE 33.0	SENE 33.0
S04 LOT 01	(NENE) 20.0	LOT 02 (NWNE) 20.0
	SWNE 39.0	SENE 33.0
LOT 03	(NENW) 20.0	LOT 04 (NWNW) 20.0
	SWNW 33.0	SENE 39.0
	NESE 33.0	NWSE 39.0
	SWSE 33.0	SESE 33.0
S06 LOT 01	(NENE) 18.0	LOT 02 (NWNE) 18.0
	SWNE 39.0	SENE 39.0

PLACE OF USE (continued)

	NESE 36.0	NWSE 36.0
	SWSE 33.0	SESE 33.0
S07	NENE 33.0	NWNE 33.0
	SWNE 33.0	SENE 33.0
	NENW 33.0	SENW 33.0
S11	NENW 33.0	NWNW 33.0
	SWNW 25.0	SENW 39.0
	NESW 39.0	NWSW 33.0
	SWSW 33.0	SESW 33.0
S16	NENE 33.0	NWNE 33.0
	SWNE 39.0	SENE 33.0
	NENW 33.0	NWNW 33.0
	SWNW 33.0	SENW 39.0
	NESW 39.0	NWSW 32.0
	SWSW 32.0	SESW 33.0
	NESE 33.0	NWSE 39.0
	SWSE 33.0	SESE 33.0
S20	NENE 33.0	NWNE 38.0
	SWNE 36.0	SENE 33.0
	NENW 38.0	NWNW 33.0
	SWNW 33.0	SENW 38.0
	NESW 29.0	NWSW 8.0
	NESE 39.0	NWSE 39.0
	SWSE 2.0	SESE 5.0
S21	NENE 33.0	NWNE 38.0
	SWNE 39.0	SENE 33.0
	NENW 38.0	NWNW 33.0
	SWNW 33.0	SENW 39.0

8574.0 Acres Total

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 172.8 ACRES WITHIN PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-02410C IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 284.0 ACRES IN A SINGLE IRRIGATION SEASON.

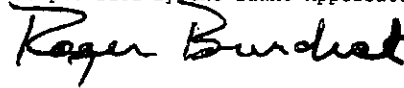
USE OF RIGHT NOS. 36-02053B, 36-02058C, 36-02058D, 36-02075B, 36-02075D, 36-02075E, 36-02075F, 36-02191, 36-02193, 36-02233D, 36-02233G, 36-02410B, 36-02410C, 36-02410D, 36-02454B, 36-02530A, 36-02530B, 36-02591, 36-02619, 36-02620, 36-02653B, 36-02653N, 36-02653P, 36-02653Q, 36-04006, 36-07007B, 36-07021A, 36-07021C, 36-07041, 36-07042, 36-07391, 36-07580B, 36-07580C, 36-07580D, 36-07795A, 36-07795B, 36-08068B, 36-08068D, 36-08068E, 36-08068F, 36-08069N, 36-08069P, 36-08069Q, 36-08251E, 36-08274A, 36-08274B, 36-08275B, 36-08404, 36-08775, 36-08776, 36-08777, 36-08778, 36-11290, 36-11340, 36-15366B, 36-15366C, 36-15366D, 36-15456A, 36-15456B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 8,574.0 ACRES 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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication