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Department of Water Resources

2002 AUG 29 AM 11:39

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 Rights 35-04275A & 35-04275B

On June 10, 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 rights 35-04275A and 35-04275B are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED August 29, 2002



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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-04275A

2002 AUG 29 AM 11:40
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: ADEN GUNDERSON
C/O NYLE RAMOND
3310 E 750 N
MENAN, ID 83434

SOURCE: GROUNDWATER

QUANTITY: 2.10 CFS
476.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.67 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 792 AF.
COMBINED RIGHT NOS.: 35-08657A, 35-04274.

PRIORITY DATE: 12/31/1940

POINT OF DIVERSION: T05N R38E S15 S22 SWSWSW Within Madison County
NWNENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.10 CFS 476.00 AFY

PLACE OF USE:	Irrigation		
	T05N R38E S15	NWSW 31.0	Within Madison County
		SESW 13.0	SWSW 31.0
	S16	NESW 3.0	Within Jefferson County
		NWSE 29.0	NESE 38.0
		SESE 8.0	SWSE 8.0
	S21 LOT 1	(NENE) 15.0	
	S22	NENW 20.0	Within Madison County
		LOT 4	(NWNW) 2.0
	198.0 Acres Total		

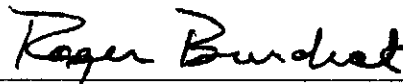
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 119 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 198 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-04274, 35-08657A.
THE PLACE OF USE DESCRIBED ABOVE IN T05N R38E S16 NESW SWSE
AND SESE DOES NOT INCLUDE ANY LAND OWNED BY THE UNITED STATES.

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

2002 AUG 29 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 35-04275A

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 35-04275A was mailed
on August 29, 2002, with sufficient first-class postage prepaid
to the following:

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

ADEN GUNDERSON
C/O NYLE RAMOND
3310 E 750 N
MENAN, ID 83434

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

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08/29/02

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 35-04275B

2002 AUG 29 AM 11:40
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: BRENT GUNDERSON
905 N 3600 E
MENAN, ID 83434

SOURCE: GROUNDWATER

QUANTITY: 0.12 CFS
28.00 AFY

USE OF THIS RIGHT WITH RIGHT NO 35-08657B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.16 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 36 AF.

PRIORITY DATE: 06/01/1938

POINT OF DIVERSION: T05N R38E S22 LOT 4 (NWNW) Within Madison County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.12 CFS 28.00 AFY

PLACE OF USE: Irrigation Within Madison County
T05N R38E S22 LOT 4 (NWNW) 9.0
9.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 35-08657B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 9 ACRES IN A SINGLE IRRIGATION
SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 7 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE.

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

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 35-04275B

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 35-04275B was mailed
on August 29, 2002, with sufficient first-class postage prepaid
to the following:

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

BRENT GUNDERSON
905 N 3600 E
MENAN, ID 83434

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

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