

2002 JUL 10 PM 4:30
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 Right 36-15538**
)
_____)

On May 20, 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 right 36-15538 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED July 10, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-15538

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NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE, ID 83701

SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.50 CFS

THE 0.50 QUANTITY UNDER THIS RIGHT IS SUBORDINATED TO ALL GROUND
WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES PRIOR TO
DECEMBER 31, 2001.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 7.68 CFS. COMBINED RIGHT NOS.:
36-00048A & 36-00049.

PRIORITY DATE: 04/01/1964

POINT OF DIVERSION: T07S R13E S12 SESENW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	0.50 CFS

THE IRRIGATION PURPOSE OF USE UNDER THIS RIGHT IS SUBORDINATED TO
ALL GROUND WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES
PRIOR TO DECEMBER 31, 2001.

PLACE OF USE:	Irrigation		Within Gooding County
	T07S R13E S11	SENE 6.0	NESE 36.5
		SESE 40.0	
	S12	NWSW 1.0	SWSW 18.0
		SESW 1.0	
	S13	NENW 36.0	NWNW 40.0
	178.5 Acres Total		

USE OF THIS RIGHT WITH RIGHT NOS. 36-00048A & 36-00049 IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 178.5 ACRES IN THE
ABOVE-DESCRIBED PLACE OF USE IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER
RIGHTS WITH PRIORITY DATES PRIOR TO DECEMBER 31, 2001.

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 JUL 10 PM 02:00
DISTRICT COURT - SRBA
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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

Water Right(s): 36-15538

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 36-15538 was mailed
on July 10, 2002, with sufficient first-class postage prepaid
to the following:

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

FAULKNER LAND & LIVESTOCK CO
NORTH SNAKE GROUND WATER DIST

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

CRANNEY BROS
Represented by:
MICHAEL C. CREAMER
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CERTIFICATE OF MAILING

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07/10/02

DAN & IRMA MCFADDAN

DAN H MCFADDAN

Represented by:

PATRICK D. BROWN

HUTCHINSON & BROWN, LLP

P O BOX 207

TWIN FALLS, ID 83303-0207

Phone: 208-733-9300

IDAHO STATE BUILDING AUTHORITY

PO BOX 2802

BOISE, ID 83701

ROBBIN GLATZ

Chief Deputy Clerk