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Department of Water Resources

MAY 13 PM 3:32

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	)	For Decreed Water Right 36-2517
	)	(Subsequently split into water
	)	rights 36-2517A, 36-2517B, & 36-2517C.)
Case No. 39576	)	
	)	ORDER OF AMENDED PARTIAL DECREES
	)	
	)	

A *Partial Decree* was entered for water right 36-2517 ("decreed water right") on November 24, 1997. The period of use element therein was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, pursuant to administrative proceedings conducted before the Idaho Department of Water Resources (IDWR), the decreed water right was split into three water rights designated as 36-2517A, 36-2517B, and 36-2517C ("split water rights"). On August 2, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included separate and different irrigation period of use recommendations for each of the split water rights. There are no outstanding objections to IDWR's recommendations.

On May 6, 2002, IDWR filed a *Notice of Completed Administrative Proceeding* in the above-captioned water rights, together with an amended *Director's Report* for each. Because the period of use recommendation is different for each of the split water rights, the recommended period of use cannot be used as a basis to simply amend the *Partial Decree* previously issued for the decreed water right.

Therefore, IT IS ORDERED that water rights 36-2517A, 36-2517B, and 36-2517C are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*. Further, IT IS ORDERED that the previously issued *Partial Decree* for water right 36-2517 is rescinded, and is replaced and superceded by the *Partial Decrees* ordered herein for split water rights 36-2517A, 36-2517B, and 36-2517C.

DATED: May 13, 2002.



ROGER 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
Case No. 39576) I.R.C.P. 54(b) FOR
)
) Water Right 36-02517A

2002 MAY 13 PM 3:32

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: GROUNDWATER

QUANTITY: 1.06 CFS
449.90 AFY

PRIORITY DATE: 09/11/1961

POINT OF DIVERSION: T08S R14E S02 NENENE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.06 CFS
			449.90 AFY

PLACE OF USE: Irrigation Within Gooding County
T08S R14E S02 LOT 01 (NENE) 33.0 LOT 02 (NWNE) 25.0
SWNE 33.0 SENE 33.0
124.0 Acres Total

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 MAY 13 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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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): 36-02517A

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 36-02517A was mailed
on May 13, 2002, with sufficient first-class postage prepaid
to the following:

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

SOUTHFIELD DAIRY
3308 S 1600 E
WENDELL, ID 83355

DIANA DELANEY
Chief Deputy Clerk