

2002 MAY -2 PM 12: 37

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 35-13248

On November 30, 2001, a *Special Master's Report and Recommendation* was filed for water right 35-7595A. 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.

On February 12, 2002, the Idaho Department of Water Resources filed an *Amended Director's Report* recommending a change in ownership of water right 35-13248 and recommending the addition of all permissible places of use for the enlargement claim. No objections were filed to this *Amended Director's Report* and the time period for filing objections has expired.

THEREFORE, IT IS ORDERED AND ADJUDGED that water right claim 35-13248 be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 2, 2002.

Roger Burdick

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 35-13248

2002 MAY -2 PM 12: 37
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: JOHN L DEWEY
773 N 850 W
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

QUANTITY: 0.96 CFS
172.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-02567C IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.30 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 432 AF.

PRIORITY DATE: 10/31/1970

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T02S R33E S12 NESWSW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-13	0.96 CFS 172.00 AFY

PLACE OF USE:	Irrigation		Within Bingham County
	T02S R33E S12	SWSW 33.0	SESW 6.0
	S13	NENW 29.0	NWNW 40.0
	108.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 35-02567C IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 108 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO.
35-02567C PURSUANT TO SECTION 42-1426, IDAHO CODE.

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).

2002 MAY 02 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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-13248

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 35-13248 was mailed
on May 02, 2002, with sufficient first-class postage prepaid
to the following:

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

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

JOHN L DEWEY
773 N 850 W
BLACKFOOT, ID 83221

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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