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Department of Water Resources

DISTRICT COURT - SRBA

TWIN FALLS CO., IDAHO

FILED \_\_\_\_\_

2003 MAY 7 PM 2 53

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: 36-02080, 36-15127A, 36-15127B, 36-15192, 36-15193A, 36-15193B, 36-15194A, 36-15194B, 36-15195A, 36-15195B, 36-15196A and 36-15196B;

ORDER DISALLOWING WATER RIGHT CLAIMS

For water rights: 36-15127, 36-15193, 36-15194, 36-15195 and 36-15196.

On October 8, 2002, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. On December 4, 2002, A & B Irrigation District, through counsel, filed a *Notice of Challenge* to the *Special Master's Report and Recommendation*. On April 25, 2003, this Court entered its *Order on Challenge* denying A & B Irrigation District's challenge.

THEREFORE, IT IS ORDERED and ADJUDGED that water rights 36-02080, 36-15127A, 36-15127B, 36-15192, 36-15193A, 36-15193B, 36-15194A, 36-15194B, 36-15195A, 36-15195B, 36-15196A and 36-15196B are hereby decreed as set forth in the attached *Partial Decree(s)* Pursuant to I.R.C.P. 54(b).

IT IS FURTHER ORDERED AND ADJUDGED that water right claim 36-15127, 36-15193, 36-15194, 36-15195 and 36-15196 are 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.

**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 7, 2003



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ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

FILED

In Re SRBA )  
 )  
Case No. 39576 )  
 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 36-15196B

2003 MAY 7 PM 2 54

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH  
REGIONAL DIRECTOR PN REGION  
BUREAU OF RECLAMATION  
1150 N CURTIS RD SUITE 100  
BOISE ID 83706-1234

THE BENEFICIAL USE OF THE WATER REPRESENTED HEREBY IS FOR THE  
LANDOWNERS WITHIN THE A & B IRRIGATION DISTRICT PURSUANT TO CONTRACT  
NO. 14-06-100-2386, DATED FEBRUARY 9, 1962 (AS MAY BE SUPPLEMENTED OR  
AMENDED) BETWEEN THE UNITED STATES OF AMERICA THROUGH THE U.S.  
BUREAU OF RECLAMATION AND THE A & B IRRIGATION DISTRICT FOR IRRIGATION  
AND OTHER PERMITTED PURPOSES AS AUTHORIZED BY THE ACT OF SEPTEMBER  
30, 1950, CH. 1114, 64 STAT. 1083, OF THE NORTH SIDE PUMPING DIVISION, OF THE  
MINIDOKA IRRIGATION PROJECT.

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS  
18.80 AFY

THE RIGHTS LISTED BELOW ARE LIMITED TO A COMBINED TOTAL DIVERSION RATE  
OF 1100 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 266,744.8  
ACRE FEET IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-2080,  
36-15127A, 36-15127B, 36-15192, 36-15193A, 36-15193B, 36-15194A, 36-15194B,  
36-15195A, 36-15195B, 36-15196A, 36-15196B.

PRIORITY DATE: 04-01-1981

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:

- T07S R23E S34 NWSESW Lot 99 Within MINIDOKA County
- T07S R23E S34 NWSESW Lot 99 Within MINIDOKA County
- T07S R24E S22 NWSWSW Lot 96 Within MINIDOKA County
- T07S R24E S22 NWNWSE Lot 98 Within MINIDOKA County
- T07S R24E S22 NESESE Lot 97 Within MINIDOKA County
- T07S R24E S23 NWSWNE Lot 99 Within MINIDOKA County
- T07S R24E S26 NWSENE Lot 99 Within MINIDOKA County
- T07S R24E S26 NENWSW Lot 94 Within MINIDOKA County
- T07S R24E S28 NWSWNE Lot 98 Within MINIDOKA County
- T07S R24E S28 NWSWNE Lot 98 Within MINIDOKA County
- T07S R24E S30 SWNWSE Lot 99 Within MINIDOKA County
- T07S R24E S30 SWNWSE Lot 99 Within MINIDOKA County

T07S R24E S31 NWSWNE Lot 99 Within MINIDOKA County  
T07S R24E S32 SWSENE Lot 97 Within MINIDOKA County  
T07S R24E S32 SWSENE Lot 97 Within MINIDOKA County  
T07S R24E S33 SENWSE Lot 98 Within MINIDOKA County  
T07S R24E S33 SENWSE Lot 98 Within MINIDOKA County  
T07S R24E S34 SWSENW Lot 98 Within MINIDOKA County  
T07S R24E S35 SWSWSE Lot 98 Within MINIDOKA County  
T07S R24E S35 SWSWSE Lot 98 Within MINIDOKA County  
T07S R25E S27 NESESW Lot 99 Within MINIDOKA County  
T07S R25E S29 NENESW Lot 99 Within MINIDOKA County  
T07S R25E S30 NWNESE Lot 98 Within MINIDOKA County  
T07S R25E S31 NENESW Lot 96 Within MINIDOKA County  
T07S R25E S32 NWNESW Lot 96 Within MINIDOKA County  
T07S R25E S33 NESWNW Lot 99 Within MINIDOKA County  
T07S R25E S34 SENESW Lot 97 Within MINIDOKA County  
T08S R21E S22 NWNESE Lot 98 Within JEROME County  
T08S R21E S24 NWSENW Lot 97 Within JEROME County  
T08S R21E S26 NWSENE Lot 96 Within JEROME County  
T08S R21E S26 NWSENE Lot 96 Within JEROME County  
T08S R21E S35 SENENE Lot 93 Within JEROME County  
T08S R21E S35 SWSWSW Lot 99 Within JEROME County  
T08S R21E S35 SESESE Lot 97 Within JEROME County  
T08S R21E S35 SESESE Lot 97 Within JEROME County  
T08S R22E S30 SWNWSW Lot 96 Within MINIDOKA County  
T08S R22E S35 SWNWE Lot 99 Within MINIDOKA County  
T08S R22E S35 SWSWSE Lot 98 Within MINIDOKA County  
T08S R22E S35 SWSWSE Lot 98 Within MINIDOKA County  
T08S R23E S1 NENWNE Lot 99 Within MINIDOKA County  
T08S R23E S1 NENWNE Lot 99 Within MINIDOKA County  
T08S R23E S1 SWSWSW Lot 94 Within MINIDOKA County  
T08S R23E S2 SENESW Lot 96 Within MINIDOKA County  
T08S R23E S4 SWSWSW Lot 95 Within MINIDOKA County  
T08S R23E S4 SWSWSW Lot 95 Within MINIDOKA County  
T08S R23E S5 NESENE Lot 93 Within MINIDOKA County  
T08S R23E S5 NESENE Lot 93 Within MINIDOKA County  
T08S R23E S8 NENESE Lot 97 Within MINIDOKA County  
T08S R23E S10 SWSENE Lot 92 Within MINIDOKA County  
T08S R23E S10 NESWSW Lot 96 Within MINIDOKA County  
T08S R23E S12 SWSWNE Lot 96 Within MINIDOKA County  
T08S R23E S12 SWSWNE Lot 96 Within MINIDOKA County  
T08S R23E S12 SESESW Lot 94 Within MINIDOKA County  
T08S R23E S12 SESESW Lot 94 Within MINIDOKA County  
T08S R23E S14 NWNWNW Lot 87 Within MINIDOKA County  
T08S R23E S14 NWNWNW Lot 87 Within MINIDOKA County  
T08S R23E S15 SENENW Lot 99 Within MINIDOKA County  
T08S R23E S15 SENENW Lot 99 Within MINIDOKA County  
T08S R23E S15 SESESE Lot 94 Within MINIDOKA County  
T08S R23E S17 NWENW Lot 96 Within MINIDOKA County

T08S R23E S17 NESESE Lot 97 Within MINIDOKA County  
T08S R23E S17 NESESE Lot 97 Within MINIDOKA County  
T08S R23E S19 NWSWSE Lot 99 Within MINIDOKA County  
T08S R23E S19 NWSWSE Lot 99 Within MINIDOKA County  
T08S R23E S21 SWSENE Lot 99 Within MINIDOKA County  
T08S R23E S22 SWSSESW Lot 97 Within MINIDOKA County  
T08S R23E S23 SWNWSW Lot 95 Within MINIDOKA County  
T08S R23E S23 SWNWSW Lot 95 Within MINIDOKA County  
T08S R23E S24 NENWNW Lot 98 Within MINIDOKA County  
T08S R23E S24 NESESW Lot 95 Within MINIDOKA County  
T08S R23E S24 NESESW Lot 95 Within MINIDOKA County  
T08S R23E S25 NWSSENW Lot 97 Within MINIDOKA County  
T08S R23E S26 NWNWSE Lot 94 Within MINIDOKA County  
T08S R23E S27 NENENE Lot 99 Within MINIDOKA County  
T08S R23E S27 SWSSENW Lot 98 Within MINIDOKA County  
T08S R23E S27 SWSSESW Lot 93 Within MINIDOKA County  
T08S R23E S28 SWNESW Lot 95 Within MINIDOKA County  
T08S R23E S28 NWSWSW Lot 93 Within MINIDOKA County  
T08S R23E S28 NWSWSW Lot 93 Within MINIDOKA County  
T08S R23E S29 SESENE Lot 91 Within MINIDOKA County  
T08S R23E S29 SESENE Lot 91 Within MINIDOKA County  
T08S R23E S31 SESESE Lot 95 Within MINIDOKA County  
T08S R23E S34 NWSESW Lot 97 Within MINIDOKA County  
T08S R23E S35 SENWNW Lot 90 Within MINIDOKA County  
T08S R23E S35 NESWSW Lot 96 Within MINIDOKA County  
T08S R23E S35 SENWSE Lot 98 Within MINIDOKA County  
T08S R23E S35 SESESE Lot 95 Within MINIDOKA County  
T08S R24E S1 SESENE Lot 98 Within MINIDOKA County  
T08S R24E S2 NWNESE Lot 93 Within MINIDOKA County  
T08S R24E S3 SWSENE Lot 99 Within MINIDOKA County  
T08S R24E S3 SWSENE Lot 99 Within MINIDOKA County  
T08S R24E S4 SWSWNE Lot 97 Within MINIDOKA County  
T08S R24E S4 NESWSW Lot 99 Within MINIDOKA County  
T08S R24E S4 NESWSW Lot 99 Within MINIDOKA County  
T08S R24E S6 SENENW Lot 94 Within MINIDOKA County  
T08S R24E S6 NWNWSW Lot 98 Within MINIDOKA County  
T08S R24E S6 SESESE Lot 91 Within MINIDOKA County  
T08S R24E S7 NESENEW Lot 95 Within MINIDOKA County  
T08S R24E S8 NESENE Lot 97 Within MINIDOKA County  
T08S R24E S10 NWSWNE Lot 98 Within MINIDOKA County  
T08S R24E S10 SWSWNW Lot 92 Within MINIDOKA County  
T08S R24E S10 SESESW Lot 95 Within MINIDOKA County  
T08S R24E S11 SWNENW Lot 98 Within MINIDOKA County  
T08S R24E S11 SWNENW Lot 98 Within MINIDOKA County  
T08S R24E S11 NWNWSE Lot 95 Within MINIDOKA County  
T08S R24E S12 NENWNE Lot 97 Within MINIDOKA County  
T08S R24E S13 NWNWNE Lot 90 Within MINIDOKA County  
T08S R24E S13 NWNWNE Lot 90 Within MINIDOKA County  
T08S R24E S14 SWSSESW Lot 95 Within MINIDOKA County  
T08S R24E S15 SESWNW Lot 97 Within MINIDOKA County

T08S R24E S18 NESWNW Lot 96 Within MINIDOKA County  
T08S R24E S21 NENWNE Lot 95 Within MINIDOKA County  
T08S R24E S21 NESWSW Lot 97 Within MINIDOKA County  
T08S R24E S22 SWNESE Lot 96 Within MINIDOKA County  
T08S R24E S23 SESESW Lot 95 Within MINIDOKA County  
T08S R24E S26 SESWNE Lot 98 Within MINIDOKA County  
T08S R24E S29 SENWSE Lot 93 Within MINIDOKA County  
T08S R24E S30 SWNENW Lot 92 Within MINIDOKA County  
T08S R24E S30 SENWSE Lot 99 Within MINIDOKA County  
T08S R24E S31 SWSESW Lot 98 Within MINIDOKA County  
T08S R24E S31 SWSESW Lot 98 Within MINIDOKA County  
T08S R25E S3 SENENW Lot 99 Within MINIDOKA County  
T08S R25E S3 SENENW Lot 99 Within MINIDOKA County  
T08S R25E S3 NWNWNW Lot 96 Within MINIDOKA County  
T08S R25E S3 NWNWNW Lot 96 Within MINIDOKA County  
T08S R25E S3 NENESE Lot 98 Within MINIDOKA County  
T08S R25E S5 NWNENE Lot 95 Within MINIDOKA County  
T08S R25E S5 NWNENE Lot 95 Within MINIDOKA County  
T08S R25E S6 NENESE Lot 98 Within MINIDOKA County  
T08S R25E S6 NENESE Lot 98 Within MINIDOKA County  
T08S R25E S11 NWSWSE Lot 93 Within MINIDOKA County  
T08S R25E S12 NWNWNW Lot 99 Within MINIDOKA County  
T08S R25E S12 NWNWNW Lot 99 Within MINIDOKA County  
T08S R25E S13 NWSWSW Lot 99 Within MINIDOKA County  
T08S R25E S14 SWNESW Lot 97 Within MINIDOKA County  
T08S R25E S15 NWSWSW Lot 94 Within MINIDOKA County  
T08S R25E S15 NWSWSW Lot 94 Within MINIDOKA County  
T08S R25E S17 NWNENE Lot 95 Within MINIDOKA County  
T08S R25E S19 NENWNE Lot 90 Within MINIDOKA County  
T08S R25E S19 NENWNE Lot 90 Within MINIDOKA County  
T08S R25E S19 SESWNW Lot 94 Within MINIDOKA County  
T08S R25E S19 SESWNW Lot 94 Within MINIDOKA County  
T08S R25E S21 NESESW Lot 96 Within MINIDOKA County  
T08S R25E S23 NWNWNW Lot 91 Within MINIDOKA County  
T08S R25E S23 NWNWNW Lot 91 Within MINIDOKA County  
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T09S R21E S1 NWNESW Lot 99 Within JEROME County  
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T09S R21E S3 SESESW Lot 91 Within JEROME County  
T09S R21E S3 NWNESE Lot 95 Within JEROME County  
T09S R22E S3 NWSESE Lot 99 Within MINIDOKA County  
T09S R22E S3 NWSESE Lot 99 Within MINIDOKA County  
T09S R22E S3 NWSESE Lot 99 Within MINIDOKA County  
T09S R22E S7 SENENE Lot 97 Within MINIDOKA County  
T09S R22E S7 NESENE Lot 97 Within MINIDOKA County  
T09S R22E S9 SESWNW Lot 98 Within MINIDOKA County  
T09S R22E S9 NENESW Lot 96 Within MINIDOKA County  
T09S R22E S9 NENESW Lot 96 Within MINIDOKA County  
T09S R22E S10 NESWNE Lot 99 Within MINIDOKA County  
T09S R22E S11 NWNWNE Lot 94 Within MINIDOKA County

T09S R22E S11 SENENW Lot 94 Within MINIDOKA County  
 T09S R22E S15 NESWNE Lot 97 Within MINIDOKA County  
 T09S R22E S15 SWSWNE Lot 99 Within MINIDOKA County  
 T09S R22E S18 NESWSE Lot 97 Within MINIDOKA County  
 T09S R22E S18 NESWSE Lot 97 Within MINIDOKA County  
 T09S R22E S19 NWSWNW Lot 99 Within MINIDOKA County  
 T09S R22E S22 SESWNE Lot 99 Within MINIDOKA County  
 T09S R22E S28 NESESE Lot 98 Within MINIDOKA County  
 T09S R22E S30 NWNENE Lot 91 Within MINIDOKA County  
 T09S R22E S33 SENESE Lot 98 Within MINIDOKA County  
 T09S R22E S33 SENESE Lot 98 Within MINIDOKA County  
 T09S R23E S2 NESENE Lot 96 Within MINIDOKA County  
 T09S R23E S3 NESENE Lot 95 Within MINIDOKA County  
 T09S R23E S3 NENWSW Lot 99 Within MINIDOKA County  
 T09S R23E S6 SESENE Lot 99 Within MINIDOKA County  
 T09S R23E S6 NWSWSE Lot 92 Within MINIDOKA County  
 T10S R21E S2 SWNWSW Lot 95 Within JEROME County  
 T10S R22E S3 SENWSW Lot 91 Within MINIDOKA County

THE FOLLOWING CONVENTION IS USED TO CONVERT THE GOVERNMENT LOTS LISTED IN THE ABOVE POINTS OF DIVERSION TO THE OFFICIAL US GOVERNMENT TRACT DESIGNATION: LOT 99 - TRACT A, LOT 98 - TRACT B, LOT 97 - TRACT C, LOT 96 - TRACT D, LOT 95 - TRACT E, LOT 94 - TRACT F, LOT 93 - TRACT G, LOT 92 - TRACT H, LOT 91 - TRACT I, LOT 90 - TRACT K, LOT 89 - TRACT L, LOT 88 - TRACT M, LOT 87 - TRACT N, LOT 86 - TRACT O, LOT 85 - TRACT P, LOT 84 - TRACT Q, LOT 83 - TRACT R, LOT 82 - TRACT S.

THE FOLLOWING POINTS OF DIVERSION EACH HAVE TWO WELLS:  
 T07S, R23E, SEC 34, NWSSEW - MINIDOKA. T07S, R24E, SEC 28, NWSWNE, SEC 30, SWNWSE, SEC 32, SWSENE, SEC 33, SENWSE, SEC 35, SWSWSE - MINIDOKA. T08S, R21E, SEC 26, NWSENE, SEC 35, SESESE - JEROME. T08S, R22E, SEC 35, SWSWSE - MINIDOKA. T08S, R23E, SEC 01, NENWNE, SEC 04, SWSWSW, SEC 05, NESENE, SEC 12, SWSWNE, SEC 12, SESESW, SEC 14, NWNWNW, SEC 15, SENENW, SEC 17, NESESE, SEC 19, NWSWSE, SEC 23, SWNWSW, SEC 24, NESESW, SEC 28, NWSWSW, SEC 29, SESENE - MINIDOKA. T08S, R24E, SEC 03, SWSENE, SEC 04, NESWSW, SEC 11, SWNENW, SEC 13, NWNWNE, SEC 31, SWSSEW - MINIDOKA. T08S, R25E, SEC 03, SENENW, SEC 03, NWNWNW, SEC 05, NWNENE, SEC 06, NENESE, SEC 12, NWNWNW, SEC 15, NWSWSW, SEC 19, NENWNE, SEC 19, SESWNW, SEC 23, NWNWNW - MINIDOKA. T09S, R22E, SEC 9, NENESW, SEC 18, NESWSE, SEC 33, SENESE - MINIDOKA.  
 THE FOLLOWING POINT OF DIVERSION HAS THREE WELLS:  
 T09S, R22E, SEC 03, NWSSEW - MINIDOKA.

**PURPOSE AND PERIOD OF USE:**

PURPOSE OF USE

PERIOD OF USE

IRRIGATION

04-01 - 10-31

0.080 CFS  
18.80 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:**

PLACE OF USE WITHIN THE BOUNDARY OF A & B IRRIGATION DISTRICT, PURSUANT TO SECTION 43-323, IDAHO CODE.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4.7 ACRES WITHIN THE A & B IRRIGATION DISTRICT BOUNDARY IN A SINGLE IRRIGATION SEASON.

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 66,686.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-2080, 36-15127A, 36-15127B, 36-15192, 36-15193A, 36-15193B, 36-15194A, 36-15194B, 36-15195A, 36-15195B, 36-15196A, 36-15196B.

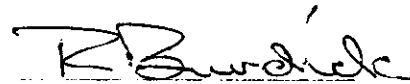
**OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:**

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, SECTION 42-1412(6), IDAHO CODE.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-2080 PURSUANT TO SECTION 42-1426, IDAHO CODE.

**RULE 54(b) CERTIFICATE**

With respect to the issue 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 judgement 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  
Administrative District Judge  
Presiding Judge of the Snake  
River Basin Adjudication