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Department of Water Resources

2002 JAN 10 PM 4:56

FILED
TWIN FALLS, IDAHO
SRBA

**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 41-07008

On October 31, 2001, 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 41-07008 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 41-07008

2002 JAN 10 PM 4:56
DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CALL FARMS PARTNERSHIP
C/O EVAN CALL
4371 COLDWATER RD
AMERICAN FALLS, ID 83211

SOURCE: GROUNDWATER

QUANTITY: 1.30 CFS
550.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 41-10075 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.30 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 550 AFY.

PRIORITY DATE: 01/02/1973

POINT OF DIVERSION: T09S R28E S27 NWNWSE Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.30 CFS 550.00 AFY

PLACE OF USE:	Irrigation		Within Power County
	T09S R28E S26	NENE 1.2	NWNE 18.0
		SWNE 15.0	NENW 33.0
		NWNW 1.5	SWNW 3.2
		SENW 17.0	NESW 41.0
		NWSW 26.0	SWSW 41.0
		SESW 40.0	NWSE 27.0
		SWSE 18.0	
	S27	NENE 25.0	NWNE 41.0
		SWNE 41.0	SENE 30.0
		NENW 23.0	NWNW 24.0
		SWNW 17.0	SENW 37.0
		NESW 19.0	NWSW 31.0
		SWSW 9.0	SESW 13.0
		NESE 29.0	NWSE 27.0
		SWSE 21.0	SESE 33.0
	S34	NENE 24.0	NWNE 6.2
		NENW 12.0	
	S35	NWNE 2.2	NENW 17.0
		NWNW 38.0	
	801.3 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 618 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 801.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NO.: 41-10075

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

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 01 FOR THE
SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE,
WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A
LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 01 REPORT
FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED

OTHER PROVISIONS (continued)

ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 01 RIGHTS.

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 JAN 10 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): 41-07008

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 41-07008 was mailed
on January 10, 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:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

ABERDEEN-AMERICAN FALLS GROUND
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CERTIFICATE OF MAILING

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01/10/02

CALL FARMS PARTNERSHIP
C/O EVAN CALL
4371 COLDWATER RD
AMERICAN FALLS, ID 83211
Phone: 208-548-2487

ROBBIN GLATZ
Chief Deputy Clerk