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Department of Water Resources

FILED
JAN 16 2002
TWIN FALLS, IDAHO

**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 41-02026

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 41-02026 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 1/15/02



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 41-02026

2002 JAN 15 AM 9:48

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: UDY BROTHERS PARTNERSHIP
455 PIERCE
AMERICAN FALLS, ID 83211

SOURCE: GROUNDWATER

QUANTITY: 1.03 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.48 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 628 AF. COMBINED RIGHT
NOS.: 41-02019, 41-02026 & 41-07028.

USE OF THIS RIGHT WITH RIGHT NO. 41-02019 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.03 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 436 AF.

PRIORITY DATE: 08/30/1966

POINT OF DIVERSION: T11S R31E S23 NENWNW Within Power County
SWNWNW
NESWNW

TWO POINTS OF DIVERSION LOCATED IN T11S, R31E, S23, NENWNW.
TWO POINTS OF DIVERSION LOCATED IN T11S, R31E, S23, SWNWNW.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.03 CFS

PLACE OF USE:	Irrigation	Within Power County
T11S R31E S22	NENE 34.0	NWNE 39.0
	SWNE 40.0	SENE 36.0
	NENW 35.0	SENE 19.0
S23	NENW 2.0	NWNW 17.0
	SWNW 24.0	SENE 24.0
270.0 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 270 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 41-00012, 41-02019,
41-02026, 41-07016 & 41-07028, 41-10253.

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
Presiding Judge of the
Snake River Basin Adjudication

2002 JAN 15 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 41-02026

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 41-02026 was mailed
on January 15, 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

UDY BROTHERS PARTNERSHIP
455 PIERCE
AMERICAN FALLS, ID 83211
Phone: 208-548-2636

ROBBIN GLATZ
Chief Deputy Clerk