

2002 JUN 10 PM 4: 57

FILED
JUN 10 2002
CLERK OF DISTRICT COURT
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

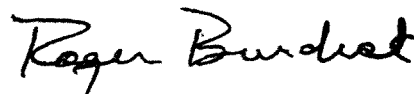
For Water Right 41-10075

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 41-10075 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 41-10075

2002 JUN 10 PM 4:57

37-SRBA
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: 0.31 CFS
131.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 41-07008 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.30 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 550 AF.

PRIORITY DATE: 04/01/1976

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: 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	0.31 CFS 131.00 AFY

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

USE OF THIS RIGHT WITH RIGHT NO. 41-07008 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 801.3 ACRES IN A SINGLE
IRRIGATION SEASON.

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

OTHER PROVISIONS (continued)

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 41-07008
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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
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): 41-10075

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 41-10075 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