

200 DEC 13 PM 3: 04

FILED
JAN 11 2001
JUL, 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 36-08276

On November 2, 1992, the Idaho Department of Water Resources (IDWR) filed its *Director's Report, Part 1, For Reporting Area 1 (Basin 36)*, which included a recommendation for the above water right. No objections to this recommendation were filed and the time period for filing objections has now expired.

On August 2, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigation District v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions* which included a recommendation for the irrigation season of use for this water right. No objections to this Supplemental Report were filed and the time period for filing objections has now expired.

Therefore, IT IS ORDERED that water right 36-08276 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED Dec 13, 2000.



Barry Wood
Administrative District Judge and
Presiding Judge of the
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 36-08276

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FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: GRACE V MADALENA
JOHN MADALENA
919 11TH AVE NORTH
BUHL, ID 83316

SOURCE: GROUNDWATER

QUANTITY: 0.14 CFS
28.00 AFY

USE OF RIHTS 36-02228A, 36-07597A AND 36-08276 IS LIMITED TO
A TOTAL COMBINED DIVERSION RATE OF 2.42 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 484 AF.

USE OF RIGHTS 36-02228A, 36-02228B, 36-02493B, 36-02493C,
36-07597A, 36-07597B, 36-07682, AND 36-08276 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.28 CFS.

PRIORITY DATE: 06/06/1985

POINT OF DIVERSION: T08S R14E S36 SESW Within Gooding County
SWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.14 CFS 28.00 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:	Irrigation	Within Gooding County
	T08S R14E S36	NESW 37.0 SWSW 38.0
		NWSW 7.0 SESW 39.0
	121.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 7 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF RIGHTS 36-02228A, 36-07597A AND 36-08276 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 121 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT
SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUNDWATER DIVERTED
UNDER THIS RIGHT.

THIS RIGHT TO DIVERT GROUNDWATER SHALL NOT BE USED IF THE
SURFACE WATER RIGHT(S) APPURTENANT TO THE PLACE OF USE IS SOLD,
TRANSFERRED, LEASED, OR USED ON ANY OTHER PLACE OF USE WITHOUT
THE APPROVAL OF THE DEPARTMENT.

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

2000 DEC 13 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): 36-08276

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 36-08276 was mailed
on December 13, 2000, with sufficient first-class postage prepaid
to the following:

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

GRACE V MADALENA
JOHN MADALENA
919 11TH AVE NORTH
BUHL, ID 83316
Phone: 208-543-6775

DIANA DELANEY
Chief Deputy Clerk