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MAY 10 2001

Department of Water Resources

2001 MAY -9 AM 10:16
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

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)
)
ORDER OF PARTIAL DECREE

For Water Right 36-00008

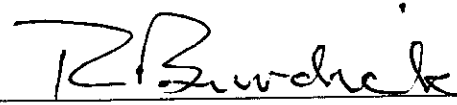
On November 1, 2000, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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.

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 36-00008 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 9, 2001.



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 36-00008

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: PENELOPE F TURNER
PO BOX 387
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.00 CFS

THE PORTION OF THIS RIGHT IN EXCESS OF 0.90 CFS FOR
IRRIGATION IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY
DATES EARLIER THAN DECEMBER 31, 1999.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1880

THE PORTION OF THIS RIGHT FOR WILDLIFE USE IS SUBORDINATED
TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER THAN
DECEMBER 31, 1999.

POINT OF DIVERSION: T07S R13E S11 SESENW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	2.00 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS
	Wildlife	01-01 TO 12-31	2.00 CFS

THE IRRIGATION USE UNDER THIS RIGHT IN EXCESS OF 0.90 CFS
IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER
THAN DECEMBER 31, 1999.

THE WILDLIFE USE UNDER THIS RIGHT IS SUBORDINATED TO ALL
WATER RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999.

PLACE OF USE: Irrigation Within Gooding County
T07S R13E S11 SWSW 21.0
21.0 Acres Total

Stockwater Within Gooding County
Same as Irrigation

Wildlife Within Gooding County
Same as Irrigation

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

0.08 CFS OF THIS UNSUBORDINATED IRRIGATION PORTION OF THIS
WATER RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN THE
DELIVERY OF THIS RIGHT.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

THE SUBORDINATED PORTIONS OF THIS WATER RIGHT SHALL NOT BE
ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE OR
OTHERWISE RECOGNIZED AS VALID IF IT WOULD CAUSE OR REQUIRE
EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR
MITIGATION FROM ANY WATER RIGHTS WITH PRIORITY DATES EARLIER
THAN DECEMBER 31, 1999. THE SUBORDINATIONS SHALL RUN WITH AND

OTHER PROVISIONS (continued)

BE PERPETUAL SERVITUDES UPON THIS WATER RIGHT AND THE ASSOCIATED LANDS, INCLUDING ANY NEW LANDS TO WHICH ALL OR ANY PORTIONS OF THIS WATER RIGHT IS TRANSFERRED.

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

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In Re SRBA

Case No. 39576

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CERTIFICATE OF MAILING

Water Right(s) : 36-00008

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 36-00008 was mailed
on May 09, 2001, 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

CRANNEY BROS
DOUG GRANT
KEVIN MICHAELSON
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CERTIFICATE OF MAILING

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05/09/01

NORTH SNAKE GROUND WATER DIST

Represented by:
JOSEPHINE P. BEEMAN
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

PENELOPE F TURNER

Represented by:
PATRICK D. BROWN
109 S ADAMS ST
JEROME, ID 83338
Phone: 208-644-1967

IDAHO DEPT OF FISH & GAME

Represented by:
PETER J. AMPE
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

DIANA DELANEY
Chief Deputy Clerk