

NOV 27 2000

700 MAY 24 AM 8:23

CT OF THE

In Re SRBA)
)
Case No. 39576)
)
) **ORDER OF PARTIAL DECREE**
) **For Water Right 36-07491**

1. On April 23, 1998, a *Special Master's Report and Recommendation* was filed for the above water right. Notice of the Report did not appear on the SRBA Monthly Docket Sheet, however, until July 7, 2000. No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing challenges has now expired.
2. On August 5, 1999, the Idaho Department of Water Resources ("IDWR") submitted its Supplemental Director's Report regarding period of use and conjunctive management. The Report contained a recommendation for the irrigation season of use for water right 36-07491 to be March 15th through November 15th.
3. On February 4, 2000, a *Notice of Completed Administrative Proceeding* with attached *Amended Director's Report* was filed by IDWR, substituting the claimant name of the above water right from Sundance, Inc. to Constantino and Lorine Sousa.

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, with the exception of the claimant name which will match that recommended by IDWR in the ***Amended Director's Report*** filed February 4, 2000, and the irrigation

season of use, which will be consistent with that recommended in the Supplemental Director's Report.

Therefore, IT IS ORDERED that water right 36-07491 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED NOV 24 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 36-07491

200 NOV 24 AM 8:23
FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: CONSTANTINO SOUSA
LORINE SOUSA
301 S 1000 E
JEROME, ID 83338

SOURCE: GROUNDWATER

QUANTITY: 1.64 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02725A IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 860 AF.

PRIORITY DATE: 07/31/1974

POINT OF DIVERSION: T08S R18E S34 NWSESE Within Jerome County
S35 SWNWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.64 CFS

PLACE OF USE:	Irrigation		Within Jerome County
	T08S R18E S34	NESE 40.0	SESE 11.0
	S35	SWNE 9.0	NWSW 8.0
		NWSE 4.0	SWSE 33.0
		SESE 15.0	
	120.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 36-02725A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE
IRRIGATION SEASON.

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.

Barry Wood

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 NOV 24 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): 36-07491

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 36-07491 was mailed
on November 24, 2000, with sufficient first-class postage prepaid
to the following:

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

SUNDANCE INC
Represented by:
JOHN K. BUTLER
PO BOX 366
TWIN FALLS, ID 83303-0366
Phone: 208-733-5463

CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
PO BOX 44449
BOISE, ID 83711-4449

CONSTANTINO SOUSA
LORINE SOUSA
301 S 1000 E
JEROME, ID 83338
Phone: 208-825-5228

CERTIFICATE OF MAILING

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DIANA DELANEY 11/24/00
Chief Deputy Clerk