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MAR 21 2001

Department of Water Resources

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 19 2001	
By _____	Clerk
Deputy Clerk	

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 RESCINDING PARTIAL DECREE

AMENDED ORDER OF PARTIAL DECREE

For Water Right 36-07490

On January 2, 1998, this Court issued an *Order of Partial Decree* and a *Partial Decree Pursuant to I.R.C.P. 54(b)*

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), the Idaho Department of Water Resources (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.

On September 9, 1999, Claimant William G. Neibaur timely filed an objection to the period of use recommended for the irrigation season of this water right. Following the filing of said objection, the Claimant, William Neibaur, entered into a *Standard Form 5 Stipulated Elements of a Water Right* with IDWR, agreeing to the irrigation period of use from 03-15 through 11-15.

On July 14, 2000, this Court referred the subcase to Special Master Dolan with instructions to make a recommendation based on the record. Pursuant to this Court's Order of Reference, Special Master Dolan issued his *Second Special Master Report and Recommendation* on November 28, 2000. No challenges were filed to the report and recommendation, and the time for filing challenges has elapsed.

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 November 28, 2000, *Second Special Master Report* and wholly adopts them as its own.

IT IS ORDERED that the *Partial Decree Pursuant to I.R.C.P. 54(b)* issued on January 2, 1998, is hereby **rescinded**.

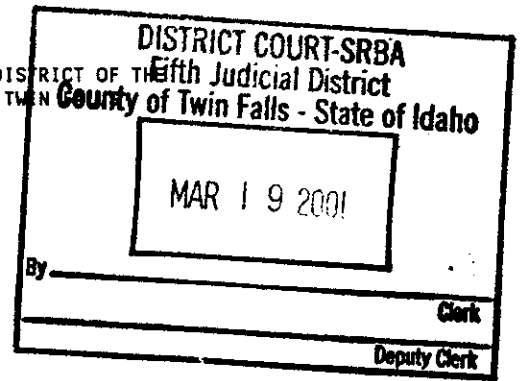
IT IS FURTHER ORDERED that water right 36-07490 is hereby **decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 3-19-01.

A handwritten signature in black ink, appearing to read "R. Burdick", is written over a horizontal line.

ROGER BURDICK
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
AMENDED



In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07490

NAME AND ADDRESS: WILLIAM G NEIBAUR
495 W 1200 N
PAUL, ID 83347

SOURCE: GROUNDWATER

QUANTITY: 4.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-15213 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.0 CFS, AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1240 AF.

PRIORITY DATE: 07/30/1974

POINT OF DIVERSION: T07S R23E S27 NWSNW Within Minidoka County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	4.00 CFS

PLACE OF USE:	Irrigation	Within Minidoka County
T07S R23E S27	NENE 38.0 SWNE 40.0 NENW 39.0 SWNW 39.0	NWNE 39.0 SENE 39.0 NWNW 36.0 SENE 40.0
	310.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 36-15213 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 310 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 300 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2001 MAR 20 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): 36-07490

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 36-07490 was mailed
on March 20, 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

WILLIAM G NEIBAUR
WILLIAM NEIBAUR
495 W 1200 N
PAUL, ID 83347
Phone: 208-532-4374

CERTIFICATE OF MAILING

DIANA DELANEY
Chief Deputy Clerk

PAGE 1
03/20/01

1997 JAN -2 AM 8:15

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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 36-07490
_____	)	

On November 12, 1997, 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 36-07490 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JAN 2 1998.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

1997 JAN -2 AM 8:15

DISTRICT COURT - SR3A
TWIN FALLS CO., IDAHO

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG).

QUANTITY: 4.00 CFS

POINT OF DIVERSION: T07S R23E S27 NWSWNW Within MINIDOKA County

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T07S R23E S27	NENE 38	NWNE 39	SWNE 40	SENE 39
		NENW 39	NWNW 36	SWNW 39	SENW 40
	310 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 300 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

to the above judgment of order shall be affirmed.
as provided by the Idaho Appellate Rules.

Handwritten signature: Howard C. Hume

PAGE 1
DEC-5-1997

1998 JAN 02 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): 36-07490

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 36-07490 was mailed
on January 02, 1998, 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
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

WILLIAM G. NEIBAUR
495 W 1200 N
PAUL, ID 83347

DIANA DELANEY
Chief Deputy Clerk