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MAY 14 2002

Department of Water Resources

2002 MAY 13 PM 3:32

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	)	For Decreed Water Right 36-7450
	)	(Subsequently split into water
	)	rights 36-7450A & 36-7450B.)
Case No. 39576	)	
	)	ORDER OF AMENDED PARTIAL DECREES
	)	
	)	

A *Partial Decree* was entered for water right 36-7450 ("decreed water right") on December 30, 1997. The period of use element therein was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, pursuant to administrative proceedings conducted before the Idaho Department of Water Resources (IDWR), the decreed water right was split into two water rights designated as 36-7450A and 36-7450B ("split water rights"). On August 2, 1999, 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 separate and different irrigation period of use recommendations for each of the split water rights. There are no outstanding objections to IDWR's recommendations.

On May 6, 2002, IDWR filed a *Notice of Completed Administrative Proceeding* in the above-captioned water rights, together with an amended *Director's Report* for each. Because the period of use recommendation is different for each of the split water rights, the recommended period of use cannot be used as a basis to simply amend the *Partial Decree* previously issued for the decreed water right.

Therefore, IT IS ORDERED that water rights 36-7450A and 36-7450B are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*. Further, IT IS ORDERED that the previously issued *Partial Decree* for water right 36-7450 is rescinded, and is replaced and superceded by the *Partial Decrees* ordered herein for split water rights 36-7450A and 36-7450B.

DATED: May 13, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

2002 MAY 13 PM 3: 32
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: ESTATE OF M A STRICKLAND
C/O JERRY STRICKLAND
1738 E 3400 S
WENDELL, ID 83355

EVELYN G STRICKLAND
3503 S 1700 E
WENDELL, ID 83355

SOURCE: GROUNDWATER

QUANTITY: 5.20 CFS
1044.00 AFY

PRIORITY DATE: 03/06/1974

POINT OF DIVERSION: T08S R15E S19 SWNESW Within Gooding County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 5.20 CFS
1044.00 AFY

PLACE OF USE: Irrigation Within Gooding County
T08S R14E S24 NESE 30.0 NWSE 30.0
R15E S19 NENW 38.0 LOT 01 (NWNW) 31.0
LOT 02 (SWNW) 31.0 SENW 35.0
NESW 34.0 LOT 03 (NWSW) 32.0
261.0 Acres Total

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).

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.

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May-06-2002

2002 MAY 13 PM 02:00
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-07450A

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 36-07450A was mailed
on May 13, 2002, with sufficient first-class postage prepaid
to the following:

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

ESTATE OF M A STRICKLAND
C/O JERRY STRICKLAND
1738 E 3400 S
WENDELL, ID 83355

EVELYN G STRICKLAND
3503 S 1700 E
WENDELL, ID 83355

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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