

200 AUG 18 AM 8:22
DISTRICT COURT
TWIN FALLS, 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 36-07323

On February 1, 1999, 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.

On April 22, 1998, (Remittitur issued May 14, 1998) the Idaho Supreme Court ordered that the "period of use" element of an irrigation water right must contain beginning and ending dates specifically defining the irrigation season of use rather than simply stating the "period of use" to be the "irrigation season," and remanded the matter back to the SRBA. *A & B Irr. Dist. v. Idaho Conservation League*, 131 Idaho 411, 424 (1998). Following this ruling, on August 5, 1999, the Idaho Department of Water Resources filed with this Court *Supplemental Director's Reports, Reporting Area 31, IDWR Basin 36*, which revised the period of use for irrigation water rights to include specific beginning and ending dates, and contained proposed conjunctive management general provisions. No objections were filed to the *Supplemental Director's Report* as to this water right claim, and the time for filing objections has now expired.

On August 13, 1999, and again on December 22, 1999, the Idaho Department of Water

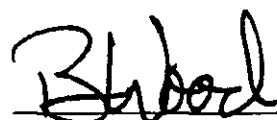
Resources ("IDWR") completed administrative changes, substituting owners of the water right.

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*. The *Recommendation* made by the Special Master is adopted, with the exception of the period of use, which has been amended to reflect the changes made in the August 5, 1999, *Supplemental Director's Report*, and the substitution of party, which is consistent with the most recent notice from IDWR, or December 22, 1999.

This water right is subject to any general provision(s) necessary for the definition of the right or for the efficient administration as may be ultimately determined by this Court at a point no later in time than the entry of the final unified decree.

Therefore, IT IS ORDERED that water right 36-07323 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED **AUG 19 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 36-07323

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FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: LAMAR LOVELAND
RAIDA LOVELAND
PO BOX 771
HAGERMAN, ID 83332

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.06 CFS
4.60 AFY

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

PRIORITY DATE: 03/27/1973

POINT OF DIVERSION: T07S R13E S02 SENESE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.02 CFS 4.00 AFY
	Domestic DOMESTIC/ 1 HOME	01-01 TO 12-31	0.04 CFS 0.60 AFY

PLACE OF USE: Irrigation Within Gooding County
T07S R13E S02 NESE 1.0
1.0 Acres Total
Domestic Within Gooding County
T07S R13E S02 NESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
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
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 AUG 18 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): 36-07323

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 36-07323 was mailed
on August 18, 2000, 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

WALTEN E MILDREN
PO BOX 5715
SUN CITY WEST, AZ 85376
Phone: 602-546-7656

LAMAR LOVELAND
RAIDA LOVELAND
PO BOX 771
HAGERMAN, ID 83332