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Department of Water Resources

2001 SEP 26 PM 2:21

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

ORDER OF PARTIAL DECREE

For Water Right 36-07239

On January 5, 2000, a *Special Master's Report and Recommendation* was filed for the above-captioned 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 36-07239 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED September 24, 2001.

Roger S. Burdick

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-07239

NAME AND ADDRESS: SIMPLOT MC COLLUM DEVELOPMENT
DBA CANYON SPRINGS
PO BOX 112
TWIN FALLS, ID 83303

SIMPLOT MC COLLUM DEVELOPMENT
DBA CANYON SPRINGS
PO BOX 27
BOISE, ID 83707

SOURCE: SPRINGS TRIBUTARY: ALPHEUS CREEK

QUANTITY: 6.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-15455 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.60 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 448 AF FOR IRRIGATION
PURPOSES.

PRIORITY DATE: 04/24/1972

POINT OF DIVERSION: T09S R17E S28 LOT 11 (SWSE) Within Jerome County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-01	1.60 CFS
			320.00 AFY
	Recreation	01-01 TO 12-31	6.00 CFS
	Aesthetic	01-01 TO 12-31	6.00 CFS
	Fish Propagation	01-01 TO 12-31	6.00 CFS

RECREATION AND AESTHETIC USES ARE FOR GOLF COURSE FACILITY.
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE
TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT
ARE NOT EXCEEDED. THE USE OF WATER AFTER NOVEMBER 1 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A
PARITAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Twin Falls County

T09S R17E S28	SWSW 2.0	
S29	SESE 16.0	
S32	NENE 25.0	SENE 2.0
S33 LOT 01 (NENW) 9.0		NWNW 19.0
	SWNW 21.0	LOT 02 (SENW) 15.0
	NESW 3.0	
112.0 Acres Total		

Fish Propagation Within Twin Falls County

T09S R17E S29	SESE	
S32	NENE	
S33	NWNW	

Recreation Within Twin Falls County

T09S R17E S28	SWSW	
S29	SESE	
S32	NENE	SENE
S33 LOT 01 (NENW)		NWNW

PLACE OF USE (continued)

	SWNW	LOT 02 (SENW)
	NESW	
Aesthetic		Within Twin Falls County
T09S R17E S28	SWSW	
S29	SESE	
S32	NENE	SENE
S33 LOT 01 (NENW)	NWNW	
	SWNW	LOT 02 (SENW)
	NESW	

USE OF THIS RIGHT WITH RIGHT NO. 36-15455 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 112 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 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 SEP 26 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): 36-07239

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 36-07239 was mailed
on September 26, 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

J.D. MCCOLLUM
SIMPLOT MC COLLUM DEVELOPMENT
Represented by:
THOMAS M. ROBERTSON
PO BOX 525
TWIN FALLS, ID 83303
Phone: 208-734-1224

CERTIFICATE OF MAILING

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09/26/01

SIMPLOT MC COLLUM DEVELOPMENT
DBA CANYON SPRINGS
PO BOX 27
BOISE, ID 83707

DIANA DELANEY
Chief Deputy Clerk