

2000 JUL 31 PM 3:41
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 36-07089A

On February 26, 1999, a *Special Master's Report and Recommendation* was filed for the above water right which defined the "period of use" element simply as the "irrigation season." 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.

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*.

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 36-07089A is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JUL 31 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-07089A

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TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: CRAIG J LAUGHLIN
PO BOX 121
HAGERMAN, ID 83332

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.18 CFS
24.00 AFY

THE QUANTITY OF WATER DECREED UNDER THIS RIGHT FOR DOMESTIC
AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/21/1969

POINT OF DIVERSION: T07S R13E S02 SENESE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.12 CFS 24.00 AFY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS FEBRUARY 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 30,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE
DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation		Within Gooding County
	T07S R13E S02	NESE 5.0	SESE 1.0
	6.0 Acres Total		
	Stockwater		Within Gooding County
	T07S R13E S02	NESE	
	Domestic		Within Gooding County
	T07S R13E S02	NESE	

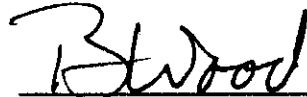
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WTAER RIGHT FOR
DOMESTIC USE AND STOCKWATER 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.

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

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

2000 AUG 01 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): 36-07089A

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 36-07089A was mailed
on August 01, 2000, with sufficient first-class postage prepaid
to the following:

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

CRAIG J LAUGHLIN
PO BOX 121
HAGERMAN, ID 83332

DIANA DELANEY
Chief Deputy Clerk