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Department of Water Resources

2002 JUL 10 PM 2:22

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

)
) ORDER OF PARTIAL DECREE
)
) For Water Right 36-00049
)

On May 20, 2002, 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 36-00049 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED July 10, 2002



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 36-00049

2002 JUL 10 PM 4:29
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE, ID 83701

SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 6.58 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.68 CFS. COMBINED RIGHT NOS.:
36-00048A & 36-15538.
DIVERSION OF THIS RIGHT AND THE DIVERSION OF THE RIGHTS LISTED
BELOW IS LIMITED TO A COMBINED DIVERSION RATE OF 6.58 CFS DURING
THE IRRIGATION SEASON. COMBINED RIGHTS NOS. 36-15532 & 36-15533.
THE 6.58 CFS QUANTITY FOR IRRIGATION DESIGNATED UNDER THIS RIGHT
IS BASED ON THE REASONABLE AMOUNT THAT WOULD BE NEEDED TO SUPPLY
A SURFACE OR GRAVITY IRRIGATION SYSTEM. HOWEVER, THE ACTUAL
MEANS OF IRRIGATION INVOLVES SPRINKLERS OR ANOTHER IRRIGATION
METHOD THAT REQUIRES A SMALLER AMOUNT OF WATER, OR OTHER ACTION
TO ADMINISTER WATER RIGHTS, THE WATER RIGHT HOLDER SHALL BE
ENTITLED TO DIVERT NO MORE THAN THE QUANTITY REASONABLY NECESSARY
AT THAT TIME. THIS QUANTITY MAY BE LESS THAN, AND SHALL NEVER BE
GREATER THAN THE 6.58 CFS QUANTITY. A DIVERSION SYSTEM THAT USES
MORE THAN 0.026 CFS PER ACRES IS REASONABLE ONLY IF SUCH SYSTEM
IS REQUIRED IN GOOD FAITH FOR AGRICULTURAL IRRIGATION OF THE
DESCRIBED PLACE OF USE.

PRIORITY DATE: 04/01/1900

POINT OF DIVERSION: T07S R13E S12 SESENW Within Gooding County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	6.58 CFS
	Domestic	01-01 TO 12-31	0.06 CFS
	Stockwater	01-01 TO 12-31	0.07 CFS

PLACE OF USE:	Irrigation		Within Gooding County
	T07S R13E S11	SENE 6.0	NESE 36.5
		SESE 40.0	
	S12	NWSW 1.0	SWSW 18.0
		SESW 1.0	
	S13	NENW 36.0	NWNW 40.0
	178.5 Acres Total		
	Stockwater		Within Gooding County
	T07S R13E S11	NESE	SESE
	Domestic		Within Gooding County
	T07S R13E S11	NESE	SESE

USE OF THIS RIGHT WITH RIGHT NOS. 36-00048A & 36-15538 IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 178.5 ACRES IN THE
ABOVE-DESCRIBED PLACE OF USE IN A SINGLE IRRIGATION SEASON.

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

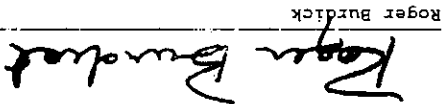
A DIVERSION RATE OF NO MORE THAN 0.026 CFS PER ACRE OF THIS RIGHT

OTHER PROVISIONS (continued)

MAY BE TRANSFERRED OR CHANGED SO AS TO CHANGE THE PLACE OF USE,
PURPOSE OF USE, OR PERIOD OF USE THEREOF.
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

2002 JUL 10 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): 36-00049

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 36-00049 was mailed
on July 10, 2002, 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

FAULKNER LAND & LIVESTOCK
FAULKNER LAND & LIVESTOCK CO
NORTH SNAKE GROUND WATER DIS
NORTH SNAKE GROUND WATER DIST

Represented by:
JOSEPHINE P. BEEMAN
409 WEST JEFFERSON STREET
BOISE, ID 83702
Phone: 208-331-0950

CERTIFICATE OF MAILING

PAGE 1
07/10/02

CRANNEY BROS

Represented by:
MICHAEL C. CREAMER
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

DAN & IRMA MCFADDAN
DAN H MCFADDAN

Represented by:
PATRICK D. BROWN
HUTCHINSON & BROWN, LLP
P O BOX 207
TWIN FALLS, ID 83303-0207
Phone: 208-733-9300

IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE, ID 83701

ROBBIN GLATZ
Chief Deputy Clerk