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Department of Water Resources

2002 JUL 10 PM 4: 29

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 36-00048A
)

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 36-00048A 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 36-00048A

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: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.10 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 7.68 CFS. COMBINED RIGHT NOS.:
36-00049 & 36-15538.

THIS 1.1 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. IN THE EVENT OF
WATER SHORTAGE, A DELIVERY CALL FOR 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 1.1 CFS QUANTITY. A DIVERSION SYSTEM THAT USES MORE
THAN 0.026 CFS PER ACRE IS REASONABLE ONLY IF SUCH SYSTEM IS
REQUIRED IN GOOD FAITH FOR AGRICULTURAL IRRIGATION OF THE
DESCRIBED PLACE OF USE.

PRIORITY DATE: 11/04/1885

POINT OF DIVERSION: T07S R13E S13 NWNWNE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-15	1.10 CFS

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

USE OF THIS RIGHT WITH RIGHT NOS. 36-00049 & 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
MAY BE TRANSFERRED OR CHANGES 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 be taken as provided by the Idaho Appellate Rules.

Roger Burdick

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): 36-00048A

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 36-00048A 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 DIST
Represented by:
JOSEPHINE P. BEEMAN
409 WEST JEFFERSON STREET
BOISE, ID 83702
Phone: 208-331-0950

CERTIFICATE OF MAILING

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07/10/02

CRANNEY BROS

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DAN & IRMA MCFADDAN
DAN H MCFADDAN

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IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE, ID 83701

ROBBIN GLATZ
Chief Deputy Clerk