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Department of Water Resources

2001 MAR 19 PM 1:23
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 36-00039P

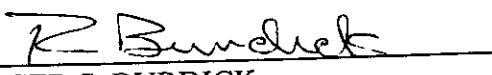
On February 3, 2000, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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.

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 36-00039P is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 19, 2001.


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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-00039P

2001 MAR 19 PM 1:23

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BRUCE R. BOTHWELL
MARY L BOTHWELL
PO BOX 444
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.14 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT IN EXCESS OF .05 CFS
FOR IRRIGATION IS SUBORDINATED TO ALL GROUNDWATER AND SURFACE
WATER RIGHTS WITH PRIORITY DATES OF APRIL 30, 1993 OR EARLIER.

PRIORITY DATE: 01/02/1891

POINT OF DIVERSION: T07S R13E S11 SESENE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.02 CFS
	Irrigation	02-15 TO 11-30	0.14 CFS
	Aesthetic	01-01 TO 12-31	0.14 CFS

THE PURPOSES OF USE FOR AESTHETIC AND DOMESTIC ARE SUBORDINATE
TO ALL GROUNDWATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES
OF APRIL 30, 1993 OR EARLIER.

PLACE OF USE:	Irrigation	Within Gooding County
	T07S R13E S11 NWSE 1.0 1.0 Acres Total	
	Domestic	Within Gooding County
	Same as Irrigation	
	Aesthetic	Within Gooding County
	Same as Irrigation	

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

THE SUBORDINATED PORTIONS OF THIS WATER RIGHT SHALL NOT BE
ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE, OR
OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE EITHER DIRECTLY
OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY
SURFACE WATER OR GROUNDWATER RIGHTS WITH PRIORITY DATES OF
APRIL 30, 1993 OR EARLIER. IF THE SUBORDINATED PORTIONS ARE
AVAILABLE AT BILLINGSLEY CREEK, THAT WATER SHALL BE AVAILABLE
FOR DIVERSION UNDER THIS 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.

A handwritten signature in cursive script, appearing to read "R Burdick", is written over a horizontal line.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2001 MAR 19 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): 36-00039P

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 36-00039P was mailed
on March 19, 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

CRANNEY BROS., DOUG GRANT
Represented by:
JOHN M. MARSHALL
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CERTIFICATE OF MAILING

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03/19/01

BRUCE R. BOTHWELL
MARY L BOTHWELL
Represented by:
PATRICK D. BROWN
109 S ADAMS ST
JEROME, ID 83338
Phone: 208-644-1967

BRUCE R. BOTHWELL
BOTHWELL, MARY
PO BOX 44
HAGERMAN, ID 83332

DIANA DELANEY
Chief Deputy Clerk