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Department of Water Resources

2002 MAR 22 PM 12: 41

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 36-2558

A late claim was filed for the above-captioned water right on November 17, 1993.

On August 5, 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), the Idaho Department of Water Resources (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 an irrigation period of use recommendation for this water right. No objections were filed to this supplemental Director's Report.

On January 25, 2002, IDWR filed a *Notice of Completed Administrative Proceeding* and an attached *Amended Director's Report* for the above water right. No objections to this recommendation were filed and the time period for filing objections has now expired.

Therefore, IT IS ORDERED that water right 36-02558 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 3/22/02

Roger 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 36-02558

2002 MAR 22 PM 12: 41

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: TRIPLE ACE, INC.
1800 Z STREET
HEYBURN, ID 83338

SOURCE: GROUNDWATER

QUANTITY: 3.08 CFS
616.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-02060 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 7.50 CFS, AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1836 AF.

PRIORITY DATE: 12/14/1962

POINT OF DIVERSION: T09S R22E S16 NWNWNE Within Minidoka County
NWNENW
NENESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.08 CFS 616.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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 Minidoka County
	T09S R22E S16	NENE 38.0	NWNE 39.0
		SWNE 40.0	SENE 38.0
		NENW 39.0	NWNW 38.0
		SWNW 38.0	SENW 39.0
		NESE 38.0	NWSE 35.0
		SWSE 39.0	SESE 38.0
	459.0 Acres Total		

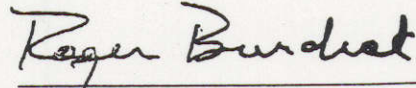
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 154 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-02060 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 459 ACRES IN A SINGLE
IRRIGATION SEASON.

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

2002 MAR 22 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 36-02558

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 36-02558 was mailed
on March 22, 2002, with sufficient first-class postage prepaid
to the following:

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

** MOTION FOR LATE CLAIM **

Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

TRIPLE ACE, INC.
1800 Z STREET
HEYBURN, ID 83338


ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

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