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Department of Water Resources

2001 MAR 19 PM 12:32
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 36-02539A

On May 29, 1997, the Idaho Department of Water Resources filed an *Amended Director's Report* recommending that water right claim 36-02539 be split and decreed as 36-02539A and 36-02539B. No objection was filed to this *Amended Director's Report* and the time for filing objections has expired.

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 36-02539A is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March ____, 2001.

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

2001 MAR 19 PM 12 32

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02539A

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: MARY ELLEN ROTH
SIMON A ROTH
17400 NE 88TH ST
VANCOUVER, WA 98682

SOURCE: GROUNDWATER

QUANTITY: 3.19 CFS
421.00 AFY

USE OF THIS RIGHT WITH RIGHT 36-07931B IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSIOIN VOLUME OF 997 AF.

PRIORITY DATE: 04/26/1962

POINT OF DIVERSION: T09S R18E S17 NWSENE Within Jerome County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.19 CFS 421.00 AFY

PLACE OF USE:	Irrigation	Within Jerome County
T09S R18E S16	NWNW 6.0 SENE 7.0 NWSW 31.0 SESW 1.0	SWNW 38.0 NESW 6.0 SWSW 32.0
S17	NENE 13.0 SWNE 40.0 NENW 24.0 SWNW 33.0 NESW 31.0 SWSW 2.0 NWSE 28.0	NWNE 32.0 SENE 31.0 NWNW 31.0 SENE 32.0 NWSW 20.0 SESW 17.0 SWSE 20.0
	475.0 Acres Total	

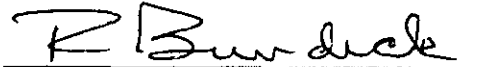
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 161 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT 36-07931B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 475 ACRES IN A SINGLE
IRRIGATION SEASON.

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.

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
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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): 36-02539A

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 36-02539A 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

MARY ELLEN ROTH
SIMON A ROTH
17400 NE 88TH ST
VANCOUVER, WA 98682

DIANA DELANEY
Chief Deputy Clerk