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Department of Water Resources

2001 JAN 26 AM 4:50

FILED
TWIN FALLS, IDAHO
SRBA

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

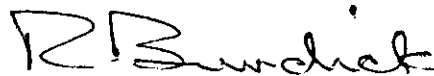
For Water Right 36-02410B, 36-02410C, and
36-02410D

On August 21, 1998, an *Amended Director's Report* was filed recommending that water right 36-02410 be split and decreed as water right numbers 36-02410B, 36-02410C and 36-02410D. 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 rights 36-02410B, 36-02410C and 36-02410D are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED January 26, 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 36-02410C

2001 JAN 26 AM 4: 51

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: YOUNG & YOUNG PARTNERSHIP
300A E 1600 N
RUPERT, ID 83350

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SOURCE: GROUNDWATER

JAN 29 2001

QUANTITY: 2.23 CFS
446.00 AFY

Department of Water Resources

USE OF RIGHT NOS. 36-02410C AND 36-07580C IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.24 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1,136.0 AF.

USE OF RIGHT NOS. 36-02058B, 36-02058C, 36-02058D, 36-02075B,
36-02075D, 36-02075E, 36-02075F, 36-02191, 36-02193, 36-02233D,
36-02233G, 36-02410B, 36-02410C, 36-02410D, 36-02454B, 36-02530A,
36-02530B, 36-02591, 36-02619, 36-02620, 36-02653B, 36-02653N,
36-02653P, 36-02653Q, 36-04006, 36-07007B, 36-07021A, 36-07021C,
36-07041, 36-07042, 36-07391, 36-07580B, 36-07580C, 36-07580D,
36-07795A, 36-07795B, 36-08068B, 36-08068D, 36-08068E, 36-08068F,
36-08069N, 36-08069P, 36-08069Q, 36-08251E, 36-08274A, 36-08274B,
36-08275B, 36-08404, 36-08775, 36-08776, 36-08777, 36-08778,
36-11290, 36-11340, 36-15366B, 36-15366C, 36-15366D, 36-15456A,
36-15456B IS LIMITED TO A COMBINED DIVERSION RATE OF 119.01 CFS
AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 34,296.0 AF.

PRIORITY DATE: 12/08/1959

POINT OF DIVERSION:	T06S R23E S26	SWNENW	Within Minidoka County
		SWNESW	
	S32	SWSWSE	Within Lincoln County
	S33	NWNWNE	
		NESESW	
	R24E S31	SWNENE	Within Minidoka County
		LOT 07 (SENESEW)	
	S32	SESENE	
		NWNWSW	
	S33	NESWNW	
		SWSESW	
	T07S R23E S01	NENESW	
	S03	LOT 03 (NENENW)	
	S11	SESENE	
		SENESE	
		SENESE	
	S12	SWSENE	
		NWSENE	
		NWSESW	
	S13	NESWNE	
		NESWNW	
	S14	NESWNE	
		SENESE	
	S24	NENENE	
		NESWSW	
	R24E S04	NWNESE	
	S06	NENENE	
	S07	SWNENE	
	S11	NWSENE	
	S16	NENESW	
	S20	SESENE	
	S21	SWNENE	

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

POINT OF DIVERSION (continued)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.23 CFS 446.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY 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	
	T06S R23E S26	NENW 33.0 SNNW 33.0 NESW 33.0 SWSW 33.0 S32 NESW 30.5 SWSW 30.5 NESE 30.5 SWSE 30.5 S33 NENE 32.5 SWNE 32.5 NENW 32.5 SNNW 32.5 NESW 32.5 SWSW 32.5 NESE 32.5 SWSE 32.5 S36 SESW 7.0 SESE 9.0 R24E S28 NWSW 33.0 SESE 39.0 S29 SESE 35.0 S30 SWSE 15.0 S31 NENE 39.0 SWNE 35.0 LOT 01 (NENW) 8.0 LOT 06 (SENN) 15.0 LOT 08 (NWSW) 55.0 LOT 12 (SESW) 34.0 NWSE 40.0 SESE 29.0 S32 NENE 33.0 SWNE 39.0 NENW 33.0 SNNW 38.0 NESW 39.0 SWSW 33.0 NESE 38.0 SWSE 33.0 S33 NENW 39.0 SNNW 39.0 NESW 39.0 SWSW 20.0 T07S R23E S01 LOT 01 (NENE) 18.0 SWNE 39.0 LOT 03 (NENW) 18.0 SNNW 39.0 NESW 36.0 SWSW 33.0	NWNW 33.0 SENN 33.0 NWSW 33.0 SESW 33.0 NWSW 30.5 SESW 30.5 NWSE 30.5 SESE 30.5 NWNE 32.5 SENN 32.5 NWNW 32.5 SENN 32.5 NWSW 32.5 SESW 32.5 NWSE 32.5 SESE 32.5 SWSE 20.0 SWSW 38.0 SESE 30.0 NWNE 40.0 SENN 29.0 LOT 05 (SNNW) 29.0 LOT 07 (NESW) 38.0 LOT 10 (SWSW) 49.0 NESE 37.0 SWSE 37.0 NWNE 33.0 SENN 38.0 NWNW 33.0 SENN 39.0 NWSW 38.0 SESW 33.0 NWSE 39.0 SESE 33.0 NWNW 38.0 SENN 39.0 NWSW 38.0 SESW 33.0 LOT 02 (NWNE) 18.0 SENN 39.0 LOT 04 (NWNW) 18.0 SENN 39.0 NWSW 36.0 SESW 33.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	NESE 36.0	NWSE 36.0
	SWSE 33.0	SESE 33.0
S02 LOT 01	(NENE)18.0	LOT 02 (NWNE)18.0
	SWNE 37.0	SENE 37.0
LOT 03	(NENW)18.0	LOT 04 (NWNW)18.0
	SWNW 37.0	SENE 37.0
	NESW 27.0	NWSW 27.0
	SWSW 39.0	SESW 39.0
	NESE 31.0	NWSE 22.0
	SWSE 21.0	SESE 36.0
S03 LOT 01	(NENE)18.0	LOT 02 (NWNE)18.0
	SWNE 37.0	SENE 37.0
LOT 03	(NENW)18.0	LOT 04 (NWNW)18.0
	SWNW 37.0	SENE 37.0
	NESW 10.0	NWSW 10.0
	NESE 27.0	NWSE 27.0
	SWSE 39.0	SESE 39.0
S10	NENE 9.0	NWNE 9.0
S11	NENE 32.5	NWNE 32.5
	SWNE 32.5	SENE 32.5
	NENW 9.0	NWNW 9.0
	NESW 32.5	NWSW 32.5
	SWSW 32.5	SESW 32.5
	NESE 32.5	NWSE 32.5
	SWSE 32.5	SESE 32.5
S12	NENE 33.0	NWNE 33.0
	SWNE 33.0	SENE 33.0
	NENW 33.0	NWNW 33.0
	SWNW 33.0	SENE 33.0
	NESW 33.0	NWSW 33.0
	SWSW 39.0	SESW 39.0
	NESE 33.0	NWSE 33.0
S13	SWSE 39.0	SESE 33.0
	NENE 33.0	NWNE 39.0
	SWNE 33.0	SENE 33.0
	NENW 39.0	NWNW 38.0
	SWNW 33.0	SENE 33.0
	NESW 38.0	NWSW 38.0
	SWSW 33.0	SESW 39.0
	NESE 33.0	NWSE 38.0
S14	SWSE 38.0	SESE 35.0
	NENE 32.5	NWNE 15.0
	SENE 32.5	NESE 37.0
	NWSE 33.0	SWSE 14.0
	SESE 25.0	
S24	NENE 36.0	NWNE 17.0
	SWNE 28.0	SENE 17.0
	NENW 15.0	NWNW 1.0
	SWNW 36.0	SENE 36.0
	NESW 39.0	NWSW 32.0
	SWSW 37.0	SESW 37.0
	NESE 36.0	NWSE 39.0
	SWSE 35.0	SESE 32.0
R24E S02 LOT 01	(NENE) 9.0	LOT 02 (NWNE) 9.0
	SWNE 33.0	SENE 33.0
S04 LOT 01	(NENE)20.0	LOT 02 (NWNE)20.0
	SWNE 39.0	SENE 33.0
LOT 03	(NENW)20.0	LOT 04 (NWNW)20.0
	SWNW 33.0	SENE 39.0
	NESE 33.0	NWSE 39.0
	SWSE 33.0	SESE 33.0
S06 LOT 01	(NENE)18.0	LOT 02 (NWNE)18.0
	SWNE 39.0	SENE 39.0
	NESE 36.0	NWSE 36.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	SWSE 33.0	SESE 33.0
S07	NENE 33.0	NWNE 33.0
	SWNE 33.0	SENE 33.0
	NENW 33.0	SENW 33.0
S11	NENW 33.0	NWNW 33.0
	SWNW 25.0	SENW 39.0
	NESW 39.0	NWSW 33.0
	SWSW 33.0	SESW 33.0
S16	NENE 33.0	NWNE 33.0
	SWNE 39.0	SENE 33.0
	NENW 33.0	NWNW 33.0
	SWNW 33.0	SENW 39.0
	NESW 39.0	NWSW 32.0
	SWSW 32.0	SESW 33.0
	NESE 33.0	NWSE 39.0
	SWSE 33.0	SESE 33.0
S20	NENE 33.0	NWNE 38.0
	SWNE 36.0	SENE 33.0
	NENW 38.0	NWNW 33.0
	SWNW 33.0	SENW 38.0
	NESW 29.0	NWSW 8.0
	NESE 39.0	NWSE 39.0
	SWSE 2.0	SESE 5.0
S21	NENE 33.0	NWNE 38.0
	SWNE 39.0	SENE 33.0
	NENW 38.0	NWNW 33.0
	SWNW 33.0	SENW 39.0
8574.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 111.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF RIGHT NOS. 36-02410C AND 36-07580C IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 284.0 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF RIGHT NOS. 36-02058B, 36-02058C, 36-02058D, 36-02075B, 36-02075D, 36-02075E, 36-02075F, 36-02191, 36-02193, 36-02233D, 36-02233G, 36-02410B, 36-02410C, 36-02410D, 36-02454B, 36-02530A, 36-02530B, 36-02591, 36-02619, 36-02620, 36-02653B, 36-02653N, 36-02653P, 36-02653Q, 36-04006, 36-07007B, 36-07021A, 36-07021C, 36-07041, 36-07042, 36-07391, 36-07580B, 36-07580C, 36-07580D, 36-07795A, 36-07795B, 36-08068B, 36-08068D, 36-08068E, 36-08068F, 36-08069N, 36-08069P, 36-08069Q, 36-08251E, 36-08274A, 36-08274B, 36-08275B, 36-08404, 36-08775, 36-08776, 36-08777, 36-08778, 36-11290, 36-11340, 36-15366B, 36-15366C, 36-15366D, 36-15456A, 36-15456B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 8,574.0 ACRES IN A SINGLE IRRIGATION SEASON.

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS PART OF THE DIVERTING WORKS.

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 JAN 26 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

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CERTIFICATE OF MAILING

Water Right(s): 36-02410C

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 36-02410C was mailed
on January 26, 2001, with sufficient first-class postage prepaid
to the following:

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

YOUNG & YOUNG PARTNERSHIP
300A E 1600 N
RUPERT, ID 83350

DIANA DELANEY
Chief Deputy Clerk