

DEC 24 2001

Department of Water Resources

2001 DEC 19 PM 2:21

FILED
TWIN FALLS CO., IDAHO

**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)
) **ORDER OF PARTIAL DECREE**
Case No. 39576)
) **For Water Right 36-02346**

On November 2, 1992, the Idaho Department of Water Resources (IDWR) filed its *Director's Report, Part 1, For Reporting Area 3 (Basin 36)*, which included a recommendation for the above water right. No objections to this recommendation were filed and the time period for filing objections has now 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 36-02346 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED December 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-02346

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TWIN FALLS CO., IDAHO

NAME AND ADDRESS: RICHARD L KECHTER
RT 4 BOX 4230
BURLEY, ID 83318

SOURCE: GROUNDWATER

QUANTITY: 3.73 CFS

PRIORITY DATE: 02/06/1958

POINT OF DIVERSION: T08S R21E S10 SESWSW Within Jerome County
S16 NENENE

RIGHT NOS. 36-02389 & 36-02451 ARE ALSO DIVERTED THROUGH FIRST
POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE
OF DIVERSION OF THESE RIGHTS IS LIMITED TO 4.42 CFS.

RIGHT NOS 36-02389 & 36-02451 ARE ALSO DIVERTED THROUGH SECOND
POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE
OF DIVERSION OF THESE RIGHTS IS LIMITED TO 5.28 CFS.

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 3.73 CFS

PLACE OF USE: Irrigation Within Jerome County

T08S R21E S09	SWNE 2.0	SENE 5.0
	NESW 39.0	SESW 39.0
	NESE 36.0	NWSE 40.0
	SWSE 36.0	SESE 40.0
S10	SWSW 35.0	SESW 32.0
S15	NWNE 13.0	NENW 40.0
	NWNW 32.0	SWNW 37.0
	SENE 10.0	NESW 33.0
	NWSW 38.0	
S16	NENE 31.0	NWNE 4.0
	SENE 25.0	NESE 20.0
	NWSE 3.0	
590.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 263 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

USE OF THIS RIGHT WITH RIGHT NOS 36-02389 & 36-02451 IS LIMITED
TO A TOTAL COMBINED DIVERSION RATE OF 9.70 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 2360 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 590 ACRES IN A SINGLE IRRIGATION SEASON.

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