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MAY 23 2001

Department of Water Resources

2001 MAY 23 PM 12:44

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

) AMENDED ORDER OF PARTIAL DECREE
) TO CORRECT CLERICAL ERROR; I.R.C.P.
) 60(a)
)

FOR WATER RIGHT 36-02322

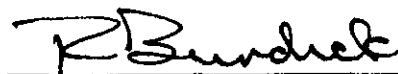
On August 11, 1997, the parties filed a stipulation to resolve objection in the above-captioned matter. On April 8, 1998, the Special Master issued a *Special Master's Report* recommending a water right under claim 36-02322 as described in the Stipulation. However, the Special Master's recommendation contained clerical errors, which also appeared in the *Partial Decree*.

Therefore, pursuant to I.R.C.P. 60(a), given the nature of the clerical error, the Court can find no reason to delay entry of the *Amended Partial Decree*.

IT IS ORDERED that this water right is hereby **decreed** as set forth in the attached *Amended Partial Decree pursuant to I.R.C.P. 50(b) for water right 36-02322*.

MAY 23 2001

DATED: _____



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 36-02322

2001 MAY 23 PM 12:
DISTRICT COURT-5th
TWIN FALLS CO., IDA.
FILED

NAME AND ADDRESS: DAVID C MAY
DEBRA J MAY
124 S 1350 W
PAUL, ID 83347

SOURCE: GROUNDWATER

QUANTITY: 4.04 CFS

USE OF THIS RIGHT WITH RIGHT 36-15226 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.04 CFS AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1152 AF.

PRIORITY DATE: 04/02/1957

POINT OF DIVERSION: T08S R21E S23 NENWNW Within Jerome County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	4.04 CFS

PLACE OF USE:	Irrigation	Within Jerome County
	T08S R21E S14	SWSW 30.0
	S15	NESE 28.0
		NWSE 30.0
		SESE 40.0
	S22	NWNE 40.0
	S23	NWNW 40.0
	288.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 270 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT 36-15226 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 288 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

200 DEC 13 PM 3:32

FILED
TWIN FALLS CO., 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 36-02322

On April 8, 1998, 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 36-02322 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED Dec 13, 2000.



BARRY WOOD
Administrative District Judge and
Presiding Judge of the
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 36-02322

200 DEC 13 PM 3:32

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: DAVID C MAY
DEBRA J MAY
124 S 1350 W
PAUL, ID 83347

SOURCE: GROUNDWATER

QUANTITY: 4.04 CFS

USE OF THIS RIGHT WITH RIGHT 36-15226 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.04 CFS AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1152 AF.

PRIORITY DATE: 04/02/1957

POINT OF DIVERSION: T08S R21E S23 NENWNW Within Jerome County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	4.04 CFS

PLACE OF USE:	Irrigation	Within Jerome County
	T08S R21E S14	SWSW 30.0
	S15	SESW 1.0
		NESE 28.0
		NWSE 30.0
	S22	SWSE 40.0
		SESE 40.0
		NWNE 40.0
		SENE 8.0
	S23	SWNE 2.0
		NENW 4.0
		NWNW 40.0
		SWNW 4.0
	307.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 270 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT 36-15226 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 288 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 black ink, appearing to read "B. Wood", is written over a horizontal line.

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 DEC 13 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): 36-02322

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 36-02322 was mailed
on December 13, 2000, 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

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

CLIFTON A. MAY
ROUTE 1, BOX 1456
HEYBURN, ID 83336

DAVID C MAY
DEBRA J MAY
124 S 1350 W
PAUL, ID 83347

DIANA DELANEY
Chief Deputy Clerk