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FEB 15 2001

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| FEB - 9 2001                                                                            |              |
| Clerk                                                                                   | Deputy Clerk |

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right 36-02312A

On April 25, 1997, the Idaho Department of Water Resources (IDWR) filed a *Notice of Completed Administrative Proceeding* and an *Amended Director's Report* recommending that water right claim 36-02312 be split and decreed as 36-02312A and 36-02312B. No objection was filed to this *Amended Director's Report* and the time for filing objections has expired.

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), 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.

On December 22, 1999, IDWR filed another *Notice of Completed Administrative Proceeding* and an *Amended Director's Report* reflecting a substitution of party. The claimants of the water right were changed from Dewey Durfee and James Durfee to Dewey Durfee and Ynes Durfee. No objections were filed to this change of ownership, and the time for filing objections has expired.

Therefore, IT IS ORDERED that water right 36-02312A is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 2-9-01 . R Burdick

ROGER BURDICK  
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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 36-02312A

NAME AND ADDRESS: DEWEY DURFEE  
YNES DURFEE  
3443 S 1700 E  
WENDELL, ID 83355

SOURCE: GROUNDWATER

QUANTITY: 0.75 CFS  
264.00 AFY

USE OF THIS RIGHT WITH RIGHTS 36-07387A AND 36-07641 IS  
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.19 CFS AND A  
TOTAL ANNUAL DIVERSION VOLUME OF 264 AF.

PRIORITY DATE: 11/26/1956

POINT OF DIVERSION: T08S R14E S25 SESENE Within Gooding County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.75 CFS |

PLACE OF USE: Irrigation Within Gooding County  
T08S R14E S25 SWNE 33.0 SENE 33.0  
66.0 Acres Total

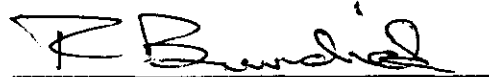
USE OF THIS RIGHT WITH RIGHTS 36-07387A AND 36-07641 IS  
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 66 ACRES IN A  
SINGLE IRRIGATION SEASON.

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

2001 FEB 14 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 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 36-02312A

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 36-02312A was mailed  
on February 14, 2001, with sufficient first-class postage prepaid  
to the following:

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

DEWEY DURFEE  
YNES DURFEE  
3443 S 1700 E  
WENDELL, ID 83355  
Phone: 208-536-5643

DIANA DELANEY  
Chief Deputy Clerk