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Department of Water Resources

2001 JAN 30 PM 3:36

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 Rights 36-02105A and 36-02105B

On May 22, 1998, an *Amended Director's Report* was filed recommending that water right 36-02105 be split and decreed as water right numbers 36-02105A and 36-02105B. 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 36-02105A and 36-02105B are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED January 30, 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 36-02105A

2101 JUN 30 PM 3:36
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: JOLENE R MILLER
TERRY D MILLER
1200 N 800 E
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 1.69 CFS
514.40 AFY

USE OF RIGHTS 36-02105A, 36-02342A, 36-02538A, AND 36-07823A
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.54 CFS AND
TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1324.0 AF.

USE OF RIGHTS 36-02105A AND 36-02538A IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 514.4 AF.

PRIORITY DATE: 01/19/1951

POINT OF DIVERSION: T08S R26E S17 SWNE Within Blaine County
NENW
NWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.69 CFS 514.40 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 Blaine County
	T08S R26E S17	
	NENE 31.0	NWNE 33.0
	SWNE 35.0	SENE 32.0
	NENW 33.0	SENW 33.0
	NESE 35.0	NWSE 33.0
	SWSE 33.0	SESE 33.0
	331.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 128.6 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF RIGHTS 36-02105A AND 36-02538A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 128.6 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).

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 36-021058

2001 JAN 30 PM 3:36

TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: JOLENE R MILLER
TERRY D MILLER
1200 N 800 E
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.31 CFS
93.60 AFY

USE OF RIGHTS 36-021058, 36-02109D, 36-02342B, 36-02447D,
36-02469G, 36-02538B AND 36-07823B IS LIMITED TO A TOTAL COMBINED
COMBINED DIVERSION RATE OF 2.166 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 516.9.

USE OF RIGHTS 36-021058 AND 36-02538B IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 93.6 AF.

PRIORITY DATE: 01/19/1951

POINT OF DIVERSION: T07S R26E S30 SWSE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.31 CFS 93.60 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 Blaine County
	T07S R26E S30 SWSE 32.5 SESE 32.5	
	S31 NENE 32.5 NWNE 32.5	
	130.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 23.4 ACRES IN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF RIGHTS 36-021058 AND 36-02538B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 23.4 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF RIGHTS 36-021058, 36-02109D, 36-02342B, 36-02447D,
36-02469G, 36-02538B AND 36-07823B IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 130.0 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).

2001 JAN 30 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): 36-02105A

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 36-02105A was mailed
on January 30, 2001, with sufficient first-class postage prepaid
to the following:

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

JOLENE R MILLER
TERRY D MILLER
1200 N 800 E
RUPERT, ID 83350

DIANA DELANEY
Chief Deputy Clerk

2001 JAN 30 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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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): 36-02105B

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 36-02105B was mailed
on January 30, 2001, with sufficient first-class postage prepaid
to the following:

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

JOLENE R MILLER
TERRY D MILLER
1200 N 800 E
RUPERT, ID 83350

DIANA DELANEY
Chief Deputy Clerk