

RECEIVED

JAN 26 2001

Department of Water Resources

2001 JAN 26 PM 4:39
FILED
TWIN FALLS, 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

Case No. 39576

)
)
)
)
)

ORDER OF PARTIAL DECREE

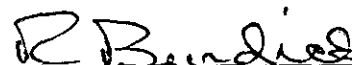
For Water Rights 36-02075B, 36-02075D,
36-02075E and 36-02075F

On August 21, 1998, an *Amended Director's Report* was filed recommending that water right 36-02075 be split and decreed as water right numbers 36-02075B, 36-02075D, 36-02075E, and 36-02075F. 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 36-02075B, 36-02075D, 36-02075E, and 36-02075F 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

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.16 CFS 41.60 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 Minidoka County
	T06S R23E S26	NENW 33.0 SNNW 33.0 NESW 33.0 SWSW 33.0
	S32	NENW 33.0 SNNW 33.0 NESW 30.5 SWSW 30.5 NESE 30.5 SWSE 30.5
	S33	SESW 33.0 NENW 32.5 SNNW 32.5 NESW 32.5 SWSW 32.5 NESE 32.5 SWSE 32.5
	S36	SESE 7.0 SESE 9.0
	R24E S28	NENW 33.0 SNNW 39.0
	S29	SESE 35.0
	S30	SESE 15.0
	S31	SESE 30.0 NENW 40.0 SNNW 29.0 SESE 29.0
	LOT 01 (NENW) 8.0	LOT 05 (SNNW) 29.0
	LOT 06 (SNNW) 15.0	LOT 07 (NESW) 38.0
	LOT 08 (NWSW) 55.0	LOT 10 (SWSW) 49.0
	LOT 12 (SESW) 34.0	NESE 37.0 SWSE 37.0
	S32	NENW 33.0 SNNW 39.0 NESW 33.0 SWSW 33.0 NESE 38.0 SWSE 33.0
	S33	SESE 29.0 NENW 39.0 SNNW 39.0 NESW 39.0 SWSW 20.0
	T07S R23E S01 LOT 01 (NENE) 18.0	LOT 02 (NWNW) 18.0 SESE 39.0
	LOT 03 (NENW) 18.0	LOT 04 (NWNW) 18.0 SESE 39.0 NENW 36.0 SNNW 33.0 NESE 36.0

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

PLACE OF USE (continued)

	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		SENW 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		SENW 37.0
	NESW 10.0		NWSW 10.0
	NESE 27.0		NWSE 27.0
	SWSW 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		SENW 33.0
	NESW 33.0		NWSW 33.0
	SWSW 39.0		SESW 39.0
	NESE 33.0		NWSE 33.0
	SWSE 39.0		SESE 33.0
S13	NENE 33.0		NWNE 39.0
	SWNE 33.0		SENE 33.0
	NENW 39.0		NWNW 38.0
	SWNW 33.0		SENW 33.0
	NESW 38.0		NWSW 38.0
	SWSW 33.0		SESW 39.0
	NESE 33.0		NWSE 38.0
	SWSE 38.0		SESE 35.0
S14	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		SENW 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		SENW 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
	SWSE 33.0		SESE 33.0

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

PLACE OF USE (continued)

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
S16	SWSW 33.0	SESW 33.0
	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
S21	SWSE 2.0	SESE 5.0
	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 10.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF RIGHT NOS. 36-02075F AND 36-08068F IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 13.0 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.

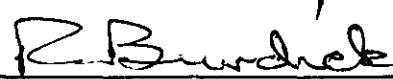
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

A MEASURING DEVISE 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 black ink, 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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-02075F

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 36-02075F 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 E
RUPERT, ID 83350
Phone: 208-532-4487

DIANA DELANEY
Chief Deputy Clerk