

200 JUL 14 AM 9:32
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	)	
	)	ORDER OF PARTIAL DECREE
Case No. 39576	)	
	)	For Water Right 36-02038

On March 1, 2000, 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.

Therefore, IT IS ORDERED that water right 36-02038 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JUL 14 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 36-02038

2000 JUL 14 AM 9:32
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BANBURY PIPE COMPANY
PO BOX 82
GOODING, ID 83330

SOURCE: BANBURY SPRINGS TRIBUTARY: SNAKE RIVER

SOURCE IS ALSO KNOWN AS BLIND SPRINGS.

QUANTITY: 13.25 CFS
35.00 AFY

THE QUANTITY OF WATER FOR STOCKWATER USE SHALL NOT EXCEED
13,000 GALLONS PER DAY.

THE QUANTITY OF WATER UNDER THIS RIGHT IN EXCESS OF 9.50 CFS
IS SUBORDINATED TO ALL GROUNDWATER AND SURFACE WATER RIGHTS
EXISTING AS OF APRIL 30, 1993.

PRIORITY DATE: 11/10/1922

POINT OF DIVERSION: T08S R14E S33 SWSWNE Within Gooding County
NWNWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	13.25 CFS
	Irrigation Storage	01-01 TO 12-31	35.00 AFY
	Irrigation from Storage	02-15 TO 11-30	35.00 AFY
	Stockwater Storage	01-01 TO 12-31	4.00 AFY
	Stockwater from Storage	01-01 TO 12-31	4.00 AFY
	Domestic 34 HOMES	01-01 TO 12-31	0.68 CFS
	Diversion to Storage	01-01 TO 12-31	1.80 CFS

PLACE OF USE: Irrigation Within Twin Falls County

T08S R14E S28 LOT 03 ()	LOT 04 ()
LOT 07 ()	
S32 NENE	SWNE
SENE	SENE
NESW	NESE
NWSE	SWSE
SESE	
S33 LOT 02 ()	LOT 03 ()
LOT 06 ()	LOT 07 ()
T09S R14E S04 LOT 03 (NWNW)	

Irrigation Storage Within Twin Falls County
Same as Other Use

Irrigation from Storage Within Twin Falls County
Same as Other Use

Stockwater Storage Within Twin Falls County
Same as Other Use

Stockwater from Storage Within Twin Falls County
Same as Other Use

Domestic Within Twin Falls County
Same as Other Use

PLACE OF USE (continued)

Diversion to Storage
Same as Other Use

Within Twin Falls County

IRRIGATION UNDER THIS RIGHT IS LIMITED TO 387.5 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

THE SUBORDINATED PORTION OF THIS WATER RIGHT IN EXCESS OF
9.50 CFS SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED,
ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR
REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY
TO, OR MITIGATION FOR ANY SURFACE WATER OR GROUNDWATER RIGHTS
EXISTING AS OF APRIL 30, 1993. IF THE SUBORDINATED PORTION IS
AVAILABLE AT BANBURY SPRINGS (AKA BLIND SPRINGS), THAT WATER
SHALL BE AVAILABLE FOR DIVERSION UNDER THIS 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.



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

2000 JUL 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 36-02038

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 36-02038 was mailed
on July 14, 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

NORTH SNAKE GROUND WATER DIST
Represented by:
JOSEPHINE P. BEEMAN
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

CERTIFICATE OF MAILING

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07/14/00

BANBURY PIPE COMPANY

Represented by:
PATRICK D. BROWN
109 S ADAMS ST
JEROME, ID 83338
Phone: 208-644-1967

DIANA DELANEY
Chief Deputy Clerk