

2003 FEB 28 PM 3 30

**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

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**FINAL ORDER DISALLOWING WATER
RIGHT CLAIM 36-07879**

Case No. 39576

**ORDER OF PARTIAL DECREES FOR
WATER RIGHTS 36-16109 and 36-16110**

On January 14, 2003, the Idaho Department of Water Resources (IDWR) filed a *Notice of Completed Administrative Proceeding* and an attached *Amended Director's Report* recommending that water right 36-07879 be split into water rights 36-16109, 36-11610 and 47-08370. The *Report* further recommended and that 36-16109 and 36-11610 be decreed as recommended and that water right 47-08370 would be reported at a future date in the *Director's Report* for Basin 47 Irrigation and Other Water Rights. Based on the split, the *Report* recommended that water right 36-07879 be decreed disallowed. No objections were filed to the recommendations and the time for filing objections has now expired.

THEREFORE IT IS ORDERED AND ADJUDGED that water right claim 36-07879 is hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

IT IS FURTHER ORDERED AND ADJUDGED that water rights 36-16109 and 36-11610 be decreed with the elements as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

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.

DATED: FEBRUARY 28, 2003.



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-16110

NAME AND ADDRESS: BETH N RICHARDS
JACKSON RICHARDS
3291 S 1600 E
WENDELL, ID 83355

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS
12.00 APY

PRIORITY DATE: 11/19/1979

POINT OF DIVERSION: T08S R14E S14 SESESE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.06 CFS 12.00 APY

PLACE OF USE: Irrigation Within Gooding County
T08S R14E S14 SESE 3.0
3.0 Acres Total

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

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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 36-16109

NAME AND ADDRESS: DALE M MC MINN
1596 E 3300 S
WENDELL, ID 83355

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS
9.20 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 11/19/1979

POINT OF DIVERSION: T08S R14E S14 SESESE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic DOMESTIC/1 HOME	01-01 TO 12-31	0.02 CFS
			1.20 AFY
	Irrigation	03-15 TO 11-15	0.04 CFS
			8.00 AFY

PLACE OF USE: Irrigation Within Gooding County
T08S R14E S14 SESE 2.0
2.0 Acres Total

Domestic Within Gooding County
T08S R14E S14 SESE

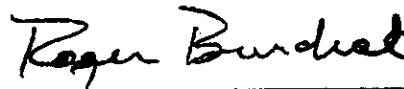
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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
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