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Department of Water Resources

2002 APR 29 PM 3:29

DISTRICT COURT-SRBA  
TWIN FALLS CO. 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

Subcases 36-15161

Case No. 39576

ORDER OF REFERENCE APPOINTING  
TERRANCE DOLAN SPECIAL MASTER

On April 13, 1998, a *Partial Decree* was entered for the above-captioned water right. However, the Clerk of the SRBA Court failed to docket the entry of the *Partial Decree* in the Court's register of action (IWATRS). On July 12, 1999, a late objection was filed by William and Judy Gulley to the water right, which has been proceeding before Special Master Dolan. Apparently, the Court, the Special Master, and the parties have been proceeding unaware that a *Partial Decree* has already been issued for this water right. A copy of the *Partial Decree* is attached hereto as "Exhibit A." The Court notes that a status conference has been previously set for May 14, 2002. The parties should be prepared to discuss how to proceed in this subcase in light of the previously issued *Partial Decree*.

Special Master Terrance Dolan is appointed as special master for subcase 36-15161 for the purpose of recommending to the Court the resolution of any issues presented by the above-described procedural posture of this subcase. Special Master Dolan shall set proceedings in conformity with *SRBA Administrative Order 1*, section 9, notwithstanding the provisions of I.R.C.P. 53(d)(1), and exercise the power to regulate all proceedings in every hearing and to do all acts and take all measures necessary or proper for the efficient performance of his duties under this Order.

IT IS SO ORDERED.

Dated April 29<sup>th</sup>, 2002.



ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

## CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER OF REFERENCE APPOINTING TERRANCE DOLAN SPECIAL MASTER** was mailed on April 29, 2002, with sufficient first-class postage to the following:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Luis M. Bettencourt  
PO Box 587  
Jerome, ID 83338

William F. and Judy L. Gulley  
450 N 242 W  
Jerome, ID 83338

  
Deputy Clerk

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 36-15161

1998 APR 13 PM 4:17

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED

NAME & ADDRESS: LARRY W KOBER  
3192 S 2200 E  
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 0.67 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-07373 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 4.46 CFS AND A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 1068 AF.

PRIORITY DATE: 03/15/1977

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A  
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED  
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS  
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION  
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR  
RIGHT.

POINT OF DIVERSION: T07S R16E S28 SWNWSW Within JEROME County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY |
|-------------------------------|----------------|-------------------|----------|
|                               | IRRIGATION     | Irrigation Season | 0.67 CFS |

| PLACE OF USE: | IRRIGATION      | Within JEROME County |         |         |         |
|---------------|-----------------|----------------------|---------|---------|---------|
|               | T07S R16E S28   | SWNW 6               | NESW 40 | NWSW 40 | SWSW 40 |
|               |                 | SESW 40              |         |         |         |
|               | S29             | SENE 35              | NESE 33 | SESE 33 |         |
|               | 267 ACRES TOTAL |                      |         |         |         |

USE OF THIS RIGHT WITH RIGHT NO. 36-07373 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 267 ACRES IN A SINGLE  
IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT  
NO. 36-07373 PURSUANT TO SECTION 42-1426, IDAHO CODE.

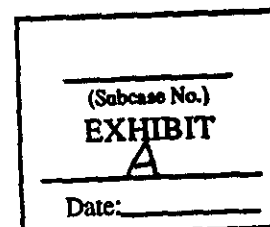
RULE 54(b) CERTIFICATE

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.



DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 36-15161



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|-------------------------------|----------------|-------------------|----------|
|                               | IRRIGATION     | Irrigation Season | 0.67 CFS |

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|               |                 | SESW 40              |         |         |         |
|               | S29             | SENE 35              | NESE 33 | SESE 33 |         |
|               | 267 ACRES TOTAL |                      |         |         |         |

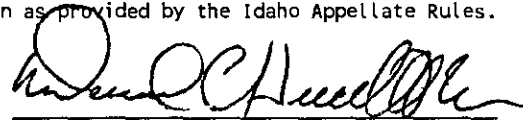
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PRESIDING JUDGE  
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