

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 36-10174

2000 JUL 31 PM 3:43  
NOTED  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: JOHN SANDERS FAMILY LTD PART  
2107 HOOVER DRIVE  
SANTA CLARA, CA 95051

SOURCE: GROUNDWATER

QUANTITY: 0.74 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 36-07016 AND 36-02382 IS  
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.35 CFS AND A  
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1508 AF.

PRIORITY DATE: 03/15/1968

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 R21E S27 SESESW Within Lincoln County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.74 CFS |

| PLACE OF USE: | Irrigation        | Within Lincoln County |
|---------------|-------------------|-----------------------|
| T07S R21E S27 | NWNE 23.0         | SWNE 35.0             |
|               | NENW 34.0         | NWNW 16.0             |
|               | SNNW 27.0         | SENE 38.0             |
|               | NESW 40.0         | NWSW 39.0             |
|               | SWSW 39.0         | SESW 40.0             |
|               | NWSE 14.0         | SWSE 32.0             |
|               | 377.0 Acres Total |                       |

USE OF THIS RIGHT WITH RIGHT NOS. 36-07016 AND 36-02382 IS  
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 377 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 NOS. 36-02382  
AND 36-07016 PURSUANT TO SECTION 42-1426, IDAHO CODE.

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 "B Wood", is written above a horizontal line.

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

2000 JUL 31 PM 3:43  
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 Right 36-10174**

On March 13, 1998, a *Special Master's Report and Recommendation* was filed for the above water right which defined the "period of use" element simply as the "irrigation season." No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing challenges has now expired.

On April 22, 1998, (Remittitur issued May 14, 1998) the Idaho Supreme Court ordered that the "period of use" element of an irrigation water right must contain beginning and ending dates specifically defining the irrigation season of use rather than simply stating the "period of use" to be the "irrigation season," and remanded the matter back to the SRBA. *A & B Irr. Dist. v. Idaho Conservation League*, 131 Idaho 411, 424 (1998). Following this ruling, on August 5, 1999, the Idaho Department of Water Resources filed with this Court *Supplemental Director's Reports, Reporting Area 31, IDWR Basin 36*, which revised the period of use for irrigation water rights to include specific beginning and ending dates, and contained proposed conjunctive management general provisions. No objections were filed to the *Supplemental Director's Report* as to this water right claim, and the time for filing objections 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*. The *Recommendation* made by the Special Master is adopted, with the exception of the period of use, which has been amended to reflect the changes made in the August 5, 1999, *Supplemental Director's Report*.

This water right is subject to any general provision(s) necessary for the definition of the right or for the efficient administration as may be ultimately determined by this Court at a point no later in time than the entry of the final unified decree.

Therefore, IT IS ORDERED that water right 36-10174 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JUL 9 1 2000.



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BARRY WOOD  
Administrative District Judge and  
Presiding Judge of the  
Snake River Basin Adjudication

2000 AUG 01 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 )  
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Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 36-10174

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 36-10174 was mailed  
on August 01, 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

JOHN SANDERS FAMILY LTD PART  
Represented by:  
ROBERT E. WILLIAMS III  
PO BOX 168  
117 SOUTH ADAMS STREET  
JEROME, ID 83338  
Phone: 208-324-2303

CERTIFICATE OF MAILING

PAGE 1  
DIANA DELANEY 07/31/00  
Chief Deputy Clerk