

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 35-07376**

On November 30, 2001, 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 35-07376 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 25, 2002.



\_\_\_\_\_  
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

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT-SRBA                   |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| FEB 25 2002                           |              |
| By _____                              | Clerk        |
| _____                                 | Deputy Clerk |

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 35-07376

NAME AND ADDRESS: SUNDOWN CORP INC  
C/O DARROL GARDNER  
PO BOX 683  
IONA, ID 83427

SOURCE: GROUNDWATER

QUANTITY: 6.42 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-02794B IS LIMITED TO A  
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1856 AF.

PRIORITY DATE: 03/26/1974

POINT OF DIVERSION: T03N R36E S09 NENESE Within Bonneville County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 11-01 | 6.42 CFS |

| PLACE OF USE: | Irrigation        | Within Bonneville County |
|---------------|-------------------|--------------------------|
|               | T03N R36E S09     | NESW 40.0 NWSW 39.0      |
|               |                   | SWSW 38.0 SESW 39.0      |
|               |                   | NESE 40.0 NWSE 40.0      |
|               |                   | SWSE 38.0 SESE 33.0      |
|               | S10               | NESW 40.0 NWSW 40.0      |
|               |                   | SWSW 37.0 SESW 40.0      |
|               | 464.0 Acres Total |                          |

USE OF THIS RIGHT WITH RIGHT NO. 35-02794B IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 464 ACRES IN A SINGLE  
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 386 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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.

*Roger Burdick*

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

2002 FEB 19 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): 35-07376

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 35-07376 was mailed  
on February 19, 2002, with sufficient first-class postage prepaid  
to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

ABERDEEN-AMERICAN FALL GROUND  
ABERDEEN-AMERICAN FALLS GROUND  
BINGHAM GROUND WATER DIST.  
BINGHAM GROUND WATER DISTRICT  
SUNDOWN CORP INC  
UPPER VALLEY IRRIGATORS ASSOC  
UPPER VALLEY IRRIGATORS ASSOC.

Represented by:  
JEFFREY C. FEREDAY  
PO BOX 2720  
BOISE, ID 83701-2720  
Phone: 208-388-1200

FREMONT-MADISON IRR DIST

Represented by:  
JERRY R. RIGBY  
PO BOX 250  
REXBURG, ID 83440-0250  
Phone: 208-356-3633

CERTIFICATE OF MAILING

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STATE OF IDAHO  
Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

DIANA DELANEY  
Chief Deputy Clerk