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Department of Water Resources

2002 MAY 20 PM 4: 15

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 19 19

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

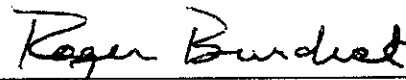
)
) ORDER OF PARTIAL DECREE
)
) For Water Right 35-07064B
)

On March 28, 2002, 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 35-07064B is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED May 20, 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
)
) Water Right 35-07064B

2002 MAY 20 PM 4:18

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED 78 88

NAME AND ADDRESS: LEON D DANCE
599 MC ADOO
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

QUANTITY: 3.38 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 9.58 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 3094.0 AF. COMBINED RIGHT NOS.
35-07065 AND 35-13069.

PRIORITY DATE: 01/24/1969

POINT OF DIVERSION: T01N R34E S23 NWNWSW Within Bingham County
S27 NENESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	3.38 CFS

PLACE OF USE:	Irrigation		Within Bingham County
	T01N R34E S22	NENE 2.0	SENE 13.0
		NESE 1.0	SESE 9.0
	S23	NWNE 2.0	SWNE 34.0
		NENW 6.0	NWNW 4.0
		SWNW 30.0	SENW 37.0
		NESW 40.0	NWSW 6.5
		SESW 37.0	NWSE 38.0
		SWSE 38.0	SESE 2.0
	S26	NENE 1.0	NWNE 35.0
		SWNE 18.0	NENW 34.0
		NWNW 40.0	SWNW 36.0
		SENW 37.0	NESW 37.0
		NWSW 31.0	SWSW 2.0
		SESW 7.0	NWSE 14.0
	S27	NENE 39.0	SWNE 38.0
		SENE 38.0	NESW 6.0
		NESE 23.0	NWSE 38.0
	773.5 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 773.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-07065 AND 35-13069.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 318.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF WATER SHALL BE LIMITED TO WITHIN SWSESE SEC. 23 AND
WITHIN W1/2NENE, SWSWNE, N1/2SESW AND W1/2NWSE OF SEC. 26, ALL
WITHIN T.01N, R.34E., B.M.

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.

A handwritten signature in cursive script, reading "Roger Burdick", is written over a horizontal line.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 MAY 20 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): 35-07064B

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 35-07064B was mailed
on May 20, 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 DISTRICT
LEON D DANCE
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

ROBBIN GLATZ
Chief Deputy Clerk