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Department of Water Resources

2002 APR -8 PM 1: 44

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 35-07030

On February 7, 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 35-07030 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 4/8/02



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 )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 35-07030

2002 APR -8 PM 1:44  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: BRENT CALL  
JUNE CALL  
PO BOX 77  
MENAN, ID 83434

SOURCE: GROUNDWATER

QUANTITY: 8.00 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 35-07304 & 35-12391 IS  
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 17.58 CFS AND A  
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4980 AF.

PRIORITY DATE: 08/22/1968

POINT OF DIVERSION: T03N R35E S01 NESESW Within Bonneville County  
S03 NESESW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 05-01 TO 10-01 | 8.00 CFS |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS  
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,  
FORVIEDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEDEDED. THE USE  
OF WATER BEFORE MAY 1 AND AFTER OCTOBER 1 UNDER THIS  
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED  
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE  
DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

| PLACE OF USE: | Irrigation         | Within Bonneville County                         |                                                  |
|---------------|--------------------|--------------------------------------------------|--------------------------------------------------|
|               | T03N R35E S01      | NESW 38.0<br>SWSW 39.0<br>NESE 40.0<br>SWSE 39.0 | NWSW 40.0<br>SESW 39.0<br>NWSE 40.0<br>SESE 39.0 |
|               | S02                | NESW 40.0<br>SWSW 40.0<br>NESE 40.0<br>SWSE 33.0 | NWSW 40.0<br>SESW 40.0<br>NWSE 40.0<br>SESE 36.0 |
|               | S03                | NESW 36.0<br>SWSW 39.0<br>NESE 40.0<br>SWSE 40.0 | NWSW 40.0<br>SESW 40.0<br>NWSE 40.0<br>SESE 40.0 |
|               | S10                | NENE 36.0<br>SWNE 37.0<br>NENW 40.0<br>SWNW 40.0 | NWNE 38.0<br>SENE 40.0<br>NWNW 36.0<br>SENW 40.0 |
|               | 1245.0 Acres Total |                                                  |                                                  |

USE OF THIS RIGHT WITH RIGHT NOS. 35-07304 & 35-12391 IS  
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1245 ACRES IN A  
SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 463 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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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  
Presiding Judge of the  
Snake River Basin Adjudication

2002 APR 08 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): 35-07030

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 35-07030 was mailed  
on April 08, 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  
BRENT CALL  
JUNE CALL  
UPPER VALLEY IRRIGATORS ASSOC  
UPPER VALLEY IRRIGATORS ASSOC.

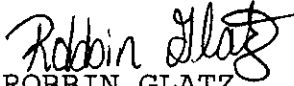
Represented by:  
JEFFREY C. FEREDAY  
PO BOX 2720  
BOISE, ID 83701-2720  
Phone: 208-388-1200

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