

**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	)	
	)	ORDER OF PARTIAL DECREE
Case No. 39576	)	
_____	)	For Water Right 35-07025

On November 29, 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 35-07025 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

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-07025

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

NAME AND ADDRESS: TOPHILL FARMS INC
PO BOX 99
LEWISVILLE, ID 83431

SOURCE: GROUNDWATER

QUANTITY: 1.60 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-02861 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.96 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 2955 AF.

PRIORITY DATE: 05/14/1968

POINT OF DIVERSION: T03N R36E S02 NWSW Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	1.60 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,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE MAY 1 AND AFTER OCTOBER 15 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 R36E S02 LOT 01 (NENE) 37.0	LOT 01 (NENE) 37.0
	LOT 02 (NWNE) 37.0	LOT 02 (NWNE) 37.0
	SWNE 40.0	SWNE 40.0
	SENE 40.0	SENE 40.0
	LOT 03 (NENW) 37.0	LOT 03 (NENW) 37.0
	LOT 04 (NWNW) 37.0	LOT 04 (NWNW) 37.0
	SNNW 40.0	SNNW 40.0
	SENE 40.0	SENE 40.0
	NESW 40.0	NESW 40.0
	NWSW 40.0	NWSW 40.0
	NESE 40.0	NESE 40.0
	NWSE 40.0	NWSE 40.0
	S03 LOT 01 (NENE) 37.0	LOT 01 (NENE) 37.0
	SENE 15.0	SENE 15.0
	NESE 29.0	NESE 29.0
		Within Jefferson County
	T04N R36E S03 LOT 01 (NENE) 37.0	SENE 15.0
	NESE 29.0	
	S34 NESE 4.0	NESE 4.0
	SESE 40.0	SESE 40.0
	S35 NESW 4.0	NESW 4.0
	NWSW 4.0	NWSW 4.0
	SWSW 40.0	SWSW 40.0
	SESW 40.0	SESW 40.0
	NESE 4.0	NESE 4.0
	NWSE 4.0	NWSE 4.0
	SWSE 40.0	SWSE 40.0
	SESE 40.0	SESE 40.0
	1619.0 Acres Total	

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

PLACE OF USE (continued)

USE OF THIS RIGHT WITH RIGHT NO. 35-02861 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 769 ACRES 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
Presiding Judge of the
Snake River Basin Adjudication

2002 FEB 25 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): 35-07025

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 35-07025 was mailed
on February 25, 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
TOPHILL FARMS 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