

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| JAN 31 2002                                                                             |              |
| By _____                                                                                | Clerk        |
| _____                                                                                   | Deputy Clerk |

**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 35-04004**

On November 7, 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 I*, 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 35-04004 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 31, 2002.

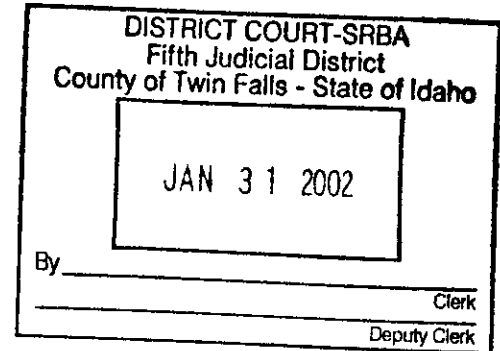
*Roger Burdick*

\_\_\_\_\_  
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 35-04004



NAME AND ADDRESS: MARK R BAIR  
SHERRILYNN BAIR  
1921 W TABER RD  
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

QUANTITY: 1.80 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 5.46 CFS AND IS LIMITED TO A  
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1508 AF.  
COMBINED RIGHT NOS.: 35-02450, 35-07770.

PRIORITY DATE: 04/01/1962

POINT OF DIVERSION: T01S R32E S25 NENW Within Bingham County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 1.80 CFS |

| PLACE OF USE: | Irrigation        | .         | Within Bingham County |
|---------------|-------------------|-----------|-----------------------|
|               | T01S R32E S25     | NENE 39.0 | NWNE 40.0             |
|               |                   | SWNE 40.0 | SENE 40.0             |
|               |                   | NENW 40.0 | NWNW 40.0             |
|               |                   | SWNW 13.0 | SENW 36.0             |
|               |                   | NESW 2.0  | NESE 39.0             |
|               |                   | NWSE 25.0 | SESE 11.0             |
|               | S26               | NENE 12.0 |                       |
|               | 377.0 Acres Total |           |                       |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 320 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 377 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-02450, 35-07770.

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.



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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

2002 JAN 31 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): 35-04004

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 35-04004 was mailed  
on January 31, 2002, with sufficient first-class postage prepaid  
to the following:

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

C & L FARMS  
DEL RAY HOLM  
HOLM BROS. PARTNERSHIP, HOLM  
R & M FARMS PARTNERSHIP  
THEODORE L DEFFINGER  
Represented by:  
BLAIR J. GROVER  
215 FARNSWORTH WAY  
PO BOX 36  
RIGBY, ID 83442-0036  
Phone: 208-745-6653

ABERDEEN-AMERICAN FALLS  
BINGHAM GROUND WATER DISTRICT  
MARK R BAIR  
SHERRILYNN BAIR  
UPPER VALLEY IRRIGATORS ASSOC.

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

FREMONT MADISON IRRIG. DIST.

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

ALBERT & CHRISTINE WADA  
BRENT STOLWORTHY  
CLYDE M WILSON  
DARWIN BROWN  
FRANK S & AGNES H WADA  
GERALD J BUTIKOFER  
JAY L & MERRI LYNN STOLWORTHY  
KENT B CORNELISON  
KENT SEARLE  
LDS CHURCH  
LINDEN J & LOIS J BUTIKOFER  
MERLE & ULENE BUTIKOFER  
MURDOCH-WILSON FARMS  
PAUL & ALICE HEYREND  
WAYNE HANSEN

Represented by:  
KENT W FOSTER  
PO BOX 50130  
IDAHO FALLS, ID 83405  
Phone: 208-523-0620

STATE OF IDAHO

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