

2002 JAN 31 PM 3: 03

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

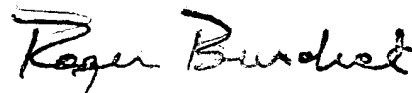
For Water Right 35-02691

On November 16, 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 35-02691 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

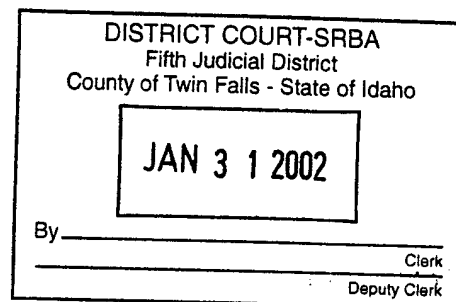
DATED January 31, 2002.



\_\_\_\_\_  
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 35-02691



NAME AND ADDRESS: LARRY J CLEMENT  
780 W HWY 26  
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

QUANTITY: 2.40 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 3.35 CFS AND TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 832 AF. COMBINED RIGHT  
NOS.: 35-02689D AND 35-07300.

PRIORITY DATE: 09/12/1961

POINT OF DIVERSION: T02S R34E S21 NWSNW Within Bingham County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 2.40 CFS |

| PLACE OF USE: | Irrigation        | Within Bingham County  |
|---------------|-------------------|------------------------|
|               | T02S R34E S20     | SWNE 16.0<br>SENE 36.0 |
|               |                   | NESE 2.0               |
|               | S21               | NENW 40.0<br>NWNW 39.0 |
|               |                   | SWNW 35.0<br>SENE 40.0 |
|               | 208.0 Acres Total |                        |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 159 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHT NO. 35-07300 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 159 ACRES IN A SINGLE  
IRRIGATION SEASON.

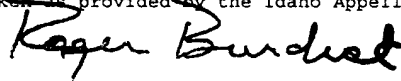
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 208 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-02689D AND 35-07300

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 <sup>31</sup>~~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): 35-02691

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 35-02691 was mailed  
on January ~~25~~<sup>31</sup>, 2002, with sufficient first-class postage prepaid  
to the following:

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

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

CERTIFICATE OF MAILING

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UPPER VALLEY IRRIGATORS ASSOC.

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Represented by:  
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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  
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STATE OF IDAHO

Represented by:  
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