

2002 APR 30 PM 12: 36

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**

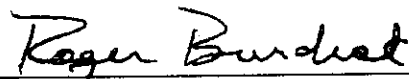
**For Water Right 35-13069**

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 35-13069 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 4/30/02



\_\_\_\_\_  
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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 35-13069

702 APR 30 PM 12:36

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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

SOURCE: GROUNDWATER

QUANTITY: 2.20 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 35-07064B AND 35-07065 IS  
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.58 CFS.  
USE OF THIS RIGHT WITH RIGHT NOS. 35-07064B AND 35-07065 IS  
LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3094.0 AF.

PRIORITY DATE: 04/01/1980

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A  
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED  
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS  
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION  
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR  
RIGHT.

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

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 10-31 | 2.20 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.: 35-07064B AND 35-07065.  
THE SUE OF WATER WITHIN T01N, R34E, S23, SESE SHALL BE LIMITED  
TO THE SWSESE.  
THE USE OF WATER WITHIN T01N, R34E, S26, NENE SHALL BE LIMITED  
TO THE W1/2 NENE.  
THE USE OF WATER WITHIN T01N, R34E, S26, SWNE SHALL BE LIMITED  
TO THE SWSWNE.

PLACE OF USE (continued)

THE USE OF WATER WITHIN T01N, R34E, S26, SESW SHALL BE LIMITED  
TO THE N1/2 SESW.

THE USE OF WATER WITHIN T01N, R34E, S26, NESW SHALL BE LIMITED  
TO THE W1/2 NWSE.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 35-07065  
AND 35-07064B PURSUANT TO SECTATION 42-1426, IDAHO CODE.

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 APR 30 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     | ) | CERTIFICATE OF MAILING   |
|                | ) |                          |
| Case No. 39576 | ) |                          |
| _____          | ) | Water Right(s): 35-13069 |

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 35-13069 was mailed  
on April 30, 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