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Department of Water Resources

270 NOV 24 AM 8:26
FILED
TWIN FALLS, IDAHO

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 34-07179

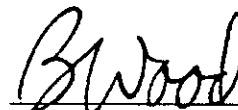
On February 19, 1999, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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.

On June 24, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigation District v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions* which included a recommendation for the irrigation season of use for this water right. No objections to this Supplemental Report were filed and the time period for filing objections has now expired.

Therefore, IT IS ORDERED that water right 34-07179 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED NOV 24, 2000.



BARRY WOOD

Administrative District Judge and
Presiding Judge of the
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 34-07179

200 NOV 24 AM 8:26

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: EVERETT T ACOR JR.
ROUTE 1 BOX 13
MOORE, ID 83255

SOURCE: GROUNDWATER

QUANTITY: 2.78 CFS

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS. 34-12376, 34-02426C,
34-07080B, 34-07121A, 34-07121B, 34-07092, 34-02330B, 34-07077,
AND 34-07120.

PRIORITY DATE: 04/06/1982

POINT OF DIVERSION: T04N R26E S04 LOT 02 (NENWNE) Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.78 CFS

PLACE OF USE:	Irrigation	Within Butte County
T03N R25E S12	NENE 39.0 SWNE 40.0 NENW 40.0 SWNW 40.0 NESW 31.0 SWSW 31.0 NESE 39.0 SWSE 36.0	NWNE 40.0 SENE 39.0 NWNW 40.0 SENW 40.0 NWSW 32.0 SESW 32.0 NWSE 40.0 SESE 36.0
R26E S17	NENE 11.0 NENW 37.0 SWNW 13.0	NWNE 25.0 NWNW 39.0 SENW 5.0
S18	NENE 35.0 SWNE 36.0 NENW 38.0 SWNW 37.0 NESW 17.0 NWSE 2.0	NWNE 39.0 SENE 25.0 NWNW 26.0 SENW 40.0 NWSW 10.0
T04N R25E S35	NENE 40.0 SWNE 40.0 NESW 20.0 NESE 40.0 SWSE 40.0	NWNE 40.0 SENE 40.0 SESW 20.0 NWSE 40.0 SESE 40.0
S36	NENE 38.0 SWNE 40.0 NENW 40.0 SWNW 40.0 NESW 40.0 SWSW 40.0 NESE 39.0 SWSE 40.0	NWNE 40.0 SENE 39.0 NWNW 40.0 SENW 40.0 NWSW 40.0 SESW 40.0 NWSE 40.0 SESE 39.0
R26E S04 LOT 01	(NENE)35.0 SWNE 36.0	LOT 02 (NWNE)36.0 SENE 32.0
T05N R26E S33	NENE 14.0	NWNE 36.0
2214.0 Acres Total		

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

PLACE OF USE (continued)

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2307 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-02426C, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-02330B, 34-07077, 34-07120, 34-00618, 34-00692C, 34-00256 AND 34-00416.

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.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 NOV 24 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): 34-07179

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 34-07179 was mailed
on November 24, 2000, with sufficient first-class postage prepaid
to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

EVERETT T ACOR JR.
Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

CERTIFICATE OF MAILING

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11/24/00

BIG LOST RIVER WTR USERS ASSN

Represented by:

WILLIAM R HOLLIFIELD

249 THIRD AVENUE EAST (83301)

PO BOX 66

TWIN FALLS, ID 83303-0066

Phone: 208-734-5610

DIANA DELANEY

Chief Deputy Clerk