

RECEIVED

JUL 17 2002

Department of Water Resources

JUL 15 PM 3:40
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 34-12376

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 34-12376 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 15, 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
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 34-12376

772 JUL 15 PM 3:40

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

NAME AND ADDRESS: EVERETT T ACOR JR.
3196 N YELLOWSTONE HWY
IDAHO FALLS, ID 83401

SOURCE: GROUNDWATER

QUANTITY: 1.25 CFS

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS. 34-02330B, 34-13663,
34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077,
AND 34-07120.

PRIORITY DATE: 06/01/1977

POINT OF DIVERSION: T05N R26E S29 SENWSE Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.25 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
2025.0 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-02330B, 34-13663,

PLACE OF USE (continued)

34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077,
34-07120, 34-00618, 34-00692C, 34-13659 AND 34-13661.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 43 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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 JUL 15 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): 34-12376

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 34-12376 was mailed
on July 15, 2002, 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

PAGE 1
07/15/02

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