

2002 MAR -6 PM 2:42
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 31-11335

On January 10, 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 31-11335 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 3-6-02



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 31-11335

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NAME AND ADDRESS: LEVEL CANAL CO INC
C/O DON PARKER
2032 W 4200 S
REXBURG, ID 83440

SOURCE: MUD LAKE TRIBUTARY: SINKS

QUANTITY: 816.00 AFY

USE OF THIS RIGHT WITH RIGHT NO 31-189 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5510.4 AF.

PRIORITY DATE: 06/01/1952

POINT OF DIVERSION: T07N R34E S34 NWSWSW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	816.00 AFY
	Irrigation from Storage	04-01 TO 10-31	816.00 AFY

PLACE OF USE:	Irrigation from Storage	Within Jefferson County
	T06N R33E S01 LOT 01 (NENE) 40.0	LOT 03 (NWNE) 40.0
		LOT 02 (NENW) 40.0
	LOT 04 (NWNW) 39.0	SWNW 39.0
		NWSW 39.0
		NESE 40.0
		SWSE 39.0
	S11 NENE 23.0	NENW 2.0
		NESE 0.1
	S12 NWNE 39.0	NWNW 39.0
		NWSE 40.0
	R34E S06 LOT 03 (NWNW) 39.0	LOT 04 (NWNW) 39.0
	LOT 05 (NWSW) 39.0	NWSE 40.0
	T07N R33E S36 NENE 40.0	NWNE 40.0
		SENE 40.0
		SWNW 39.0
		NESW 40.0
		SESW 38.0
		NWSE 40.0
		SESE 36.0
	R34E S31 NWNE 40.0	SWNE 40.0
	LOT 01 (NWNW) 39.0	LOT 03 (SNNW) 39.0
	LOT 02 (NWSW) 39.0	LOT 04 (SWSW) 33.0
		SWSE 37.0
	1656.1 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 213.1 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 1656.1 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-5, 31-189.

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

THE ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO
THE AGREEMENT OF WATER RIGHT OWNERS REGARDING MUD LAKE WATER
DELIVERY DATED APRIL 17, 2001, WHICH IS ON FILE IN THE RECORDS OF

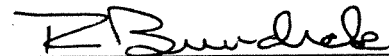
OTHER PROVISIONS (continued)

THE CLERK AND RECORDER OF JEFFERSON COUNTY, IDAHO, INSTRUMENT
NUMBER 307626.

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 MAR 06 PM 02:00
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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): 31-11335

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 31-11335 was mailed
on March 06, 2002, with sufficient first-class postage prepaid
to the following:

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

LEVEL CANAL CO INC
C/O DON PARKER
2032 W 4200 S
REXBURG, ID 83440
Phone: 208-356-5091


ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

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