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DISTRICT COURT-SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JAN 29 2002	
By _____	Clerk
_____	Deputy Clerk

**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 _____	)))))))	For Decreed Water Right 34-00148C (Split administratively into water rights 34-00148E & 34-00148F.) ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT IN PARTIAL DECREE and INCORPORATING INTO PARTIAL DECREE AN EXPRESS STATEMENT REGARDING GENERAL PROVISIONS, <i>NUNC PRO TUNC</i>
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A *Partial Decree* was entered for water right 34-00148C ("decreed water right") on October 25, 1996. The period of use element therein was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. On June 24, 1999, the Idaho Department of Water Resources (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* ("*Supplemental Director's Report*"), which included irrigation period of use recommendations for the decreed water right. Following the issuance of the *Supplemental Director's Report*, the decreed water right was split into multiple water rights designated as 34-00148E and 34-00148F ("split water rights").¹ There are no outstanding objections to IDWR's recommendations and the time for filing objections has expired.

¹ Some or all of these split water rights may have again been split or affected by subsequent administrative proceedings. However, this *Order* only amends the *Partial Decree* that was issued for the decreed water right and does not affect any administrative changes to the water right occurring subsequent to the entry of the *Partial Decree*.

THEREFORE, IT IS ORDERED that period of use element for the irrigation portion of the above-captioned decreed water right is hereby amended and decreed as:

PERIOD OF USE: 05-01 to 10-15

The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director.

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned decreed water right is hereby amended and decreed to contain the following:

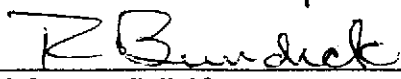
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

IT IS FURTHER ORDERED that this order is being entered *nunc pro tunc* effective as of the date the *Partial Decree* was issued and shall not supercede any subsequent administrative changes to the water right that may have occurred following entry of the *Partial Decree*.

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.

DATED: January 29, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

RECEIVED

OCT 28 1996

Department of Water Resources

1996 OCT 25 PM 4: 49

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

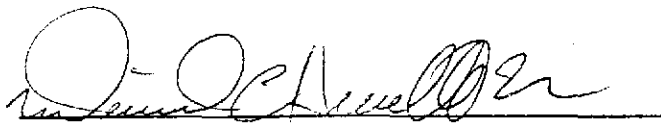
For Water Right 34-00148C

On August 14, 1996, 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 14a, 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 34-00148C be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED October 25, 1996.



DANIEL C. HURLBUTT, JR.

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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO OCT 25 PM 4:50
I.R.C.P. 54(b) FOR

Water Right 34-00148C DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED 

NAME & ADDRESS: MILT BUTLER
PO BOX 27
MACKAY ID 83251

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 2.025 CFS

PRIORITY DATE: 03/01/1902

POINT OF DIVERSION: T08N R21E S12 NENWNW Within CUSTER County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 2.025 CFS

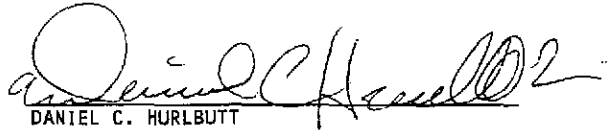
PLACE OF USE: IRRIGATION Within CUSTER County
T09N R22E S30 NESE 40.0 NWSE 7.0 SWSE 25.0 SESE 40.0
112.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-00147C IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 112 ACRES IN A SINGLE
IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NO. 34-00147C IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 280 AF.

DATED: OCT 25 1996

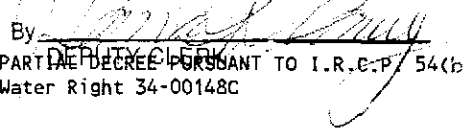

DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication

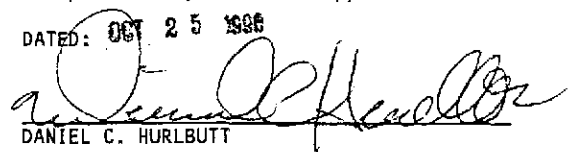
RULE 54(b) CERTIFICATE

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.

State of Idaho ss.
County of Twin Falls
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT

By 
DEPUTY CLERK
PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-00148C

DATED: OCT 25 1996

DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication

1996 OCT 25 PM 4: 50
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED 

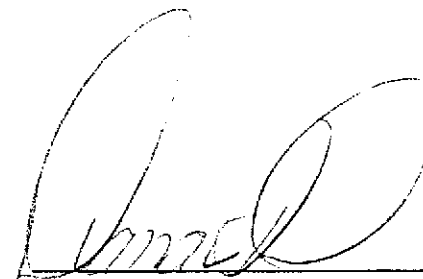
**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	For Water Right 34-00148C
_____	)	

I certify that a true and correct copy of the *Order on Partial Decree for Water Right 34-00148C* and *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 34-10048C* were mailed on October 25, 1996, with sufficient first-class postage prepaid to the following:

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

Milt Butler
PO Box 27
Mackay, ID 83251



Deputy Clerk