

No Color
Documents
In File

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

August 27, 2001

PAMELA FLEMING
BILL C FLEMING
1740-A E 3600 S
WENDELL, ID 83355

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-07681. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on January 15, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

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)

Water Right 36-07681

Case No. 39576)

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on January 15, 1998. The period of use element 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. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

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

PERIOD OF USE: 04-15 10-15

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT. ccc

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned 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 at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which 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 August 27, 2001



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5357
WATER RIGHT NO(S). 36-02493F/36-07681B/36-10407/36-10408

This is to certify that: FLEMING FAMILY PARTNERSHIP
DBA FLEMINGO DAIRY
BILL C FLEMING
1740A E 3600 S
WENDELL ID 83355

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-02493F :			
Priority: 06/28/1961			
STOCKWATER	01/01 to 12/31	0.02 CFS	3.6 AF
COMMERCIAL	01/01 to 12/31	0.02 CFS	3.6 AF
		0.02 CFS	3.6 AF
Right No. 36-07681B :			
Priority: 02/14/1977			
STOCKWATER	01/01 to 12/31	0.08 CFS	15.9 AF
COMMERCIAL	01/01 to 12/31	0.08 CFS	15.9 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
		0.08 CFS	15.9 AF
SUBTOTAL:			15.9 AF *
Right No. 36-10407 :			
Priority: 01/01/1945			
STOCKWATER	01/01 to 12/31	0.05 CFS	1.2 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
		0.05 CFS	1.2 AF
Right No. 36-10408 :			
Priority: 08/01/1978			
STOCKWATER	01/01 to 12/31	0.04 CFS	1.2 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
		0.04 CFS	1.2 AF
TOTAL:			** 0.19 CFS 18.3 AF **

MICROFILMED

MAY 22 2000

TRANSFER NO. 5357
WATER RIGHT NO(S). 36-02493F/36-07681B/36-10407/36-10408

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESESW , Sec. 31, Township 08S, Range 15E
SWSWSE , Sec. 31, Township 08S, Range 15E
GOODING County

PLACE OF USE: STOCKWATER

TWN RGE SEC

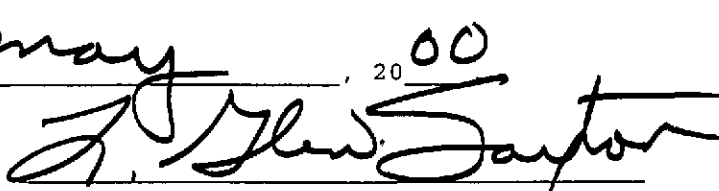
08S 15E 31 SESW

PLACE OF USE: COMMERCIAL & DOMESTIC, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- ** 5. The total instantaneous diversion of water from all points of diversion under Transfer 5357 shall not exceed 0.19 cfs, nor a total combined annual volume of 18.3 af.
- * 6. Rights 36-02493F and 36-07681B when combined shall not exceed a total annual maximum diversion volume of 15.9 af.
7. The quantity of water decreed for Rights 36-10407 & 36-10408 for domestic and stockwater uses is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
8. Pursuant to Section 42-1412(6), Idaho Code, Rights 36-02493F and 36-07681B are subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. Domestic use is for 1 home each under Rights 36-07681B, 36-10407 and 36-10408.

Dated this 4th day of May, 2000


Chief, Water Allocation Bureau

MICROFILMED

MAY 22 2000

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 36-07681

1997 JAN 15 PM 1:41
FILED

NAME & ADDRESS: PAMELA FLEMING
BILL C FLEMING
1740-A E 3600 S
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 0.98 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02493D IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.24 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 248 AF.

PRIORITY DATE: 02/14/1977

POINT OF DIVERSION: T08S R15E S31 NWSESE Within GOODING County

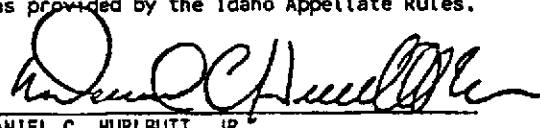
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.98 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T09S R15E S06 Lot 1 (NENE)30 Lot 2 (NWNE)32
62 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-02493D IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 62 ACRES IN A SINGLE IRRIGATION
SEASON.

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.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

SRBA

SUBCASE SUMMARY REPORT 36-07681

[Return to SRBA Home Page](#)

SRBA
05-03-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-07681 FILE#: 00000
CLAIMANT: FLEMING, BILL C & PAMELA
STATUS: PD ISSUED
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

BILL C & PAMELA FLEMING C PRO SE

**** ROA ENTRIES ****

01-15-1998	PARTIAL DECREE FILED	01-15-1998
01-15-1998	CERTIFICATE OF MAILING - PARTIAL DECREE	
08-05-1999	SUPPLEMENTAL DIRECTOR'S REPORTS, RP 1, BASIN 36 PERIOD OF USE & CONJUNCTIVE MANAGEMENT	

[Return to SRBA Home Page](#)

MICROFILMED
MAY 22 2000

MEMORANDUM

TO: FILE 36-07681

FROM: PAM SKAGGS

RE: TRANSFER # 5357

DATE: 2-19-99

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 36-02493.

MICROFILMED

MAY 22 2000