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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)

Water Right 36-07273

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: 04-01 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 1 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
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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

Important Information About Your Water Right

August 27, 2001

CLARICE A GRANT
DOUGLAS E GRANT
700 N 707 E
RUPERT, ID 83350

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 36-07273. 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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5666
WATER RIGHT NO. 36-07273B

This is to certify that: **WHITESIDES DAIRY**
C/O DUANE GRANT
600 N 707 E
RUPERT ID 83350

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>
STOCKWATER	01/01 to 12/31	0.92 CFS	138.0 AF
COMMERCIAL	01/01 to 12/31	0.92 CFS	138.0 AF
	Totals	* 0.92 CFS	138.0 AF *

SOURCE

GROUNDWATER

Priority: 11/14/1972

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 21, Township 08S, Range 25E
MINIDOKA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08S 25E 21	NENE	NWNE	SWNE
	SENE	NESE	NWSE

PLACE OF USE: COMMERCIAL

TWN RGE SEC

08S 25E 21	NENE	NWNE	SWNE
	SENE	SENE	NESE
	NWSE	SWSE	SESE
22	NENE	NWNE	SWNE
	SENE	NENW	SWNW
	SENE	NESW	NWSW
	SENE	SESE	NESE
	SENE	SESE	SESE
27	NENW	NWNW	SWNW
	SENE		
28	NENE	NWNE	SWNE

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JUL 20 2003

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JUL 14 2000

TRANSFER NO. 5666
WATER RIGHT NO. 36-07273B

PLACE OF USE: COMMERCIAL

TWN RGE SEC

	SENE	NENW	NWNW
	SWNW	SENE	NESW
	NWSW	SWSW	SESW
29	NESE	NWSE	

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. 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.
4. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is 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.
8. 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.
- * 9. The total instantaneous diversion of water from all points of diversion under Transfer 5666 shall not exceed 0.92 cfs, nor a total combined annual volume of 138.0 af.
10. The place of commercial use authorized by this approval includes land owned by the right holder and others upon which waste water may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.
11. Approval of Transfer 5666 does not grant any right-of-way or easement for use of lands owned by person(s) other than the right owner.

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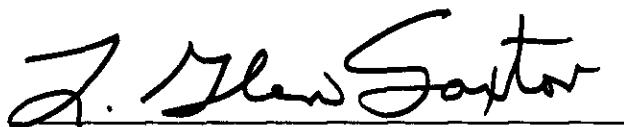
NOV 20 2003

TRANSFER NO. 5666
WATER RIGHT NO. 36-07273B

CONDITIONS OF APPROVAL AND REMARKS

12. Commercial use is for a dairy located in the SENE, S21, T08S, R25E.
13. Two (2) points of diversion are located within the SENE, S21, T08S, R25E.
14. The place of use is also known as Tract A and B of S21, and Tract H of S22, 27 and 28, T08S, R25E.

Dated this 19th day of June, 2000.


Chief, Water Allocation Bureau

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JUL 14 2000

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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

1998 JAN 15 PM 12:17

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07273

RECEIVED
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: CLARICE A GRANT
DOUGLAS E GRANT
RT 4 BOX 250
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 3.00 CFS
600.0 AFY

PRIORITY DATE: 11/14/1972

POINT OF DIVERSION: T08S R25E S27 SENWNW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	3.00 CFS 600.0 AFY

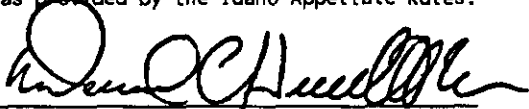
PLACE OF USE:	IRRIGATION	Within MINIDOKA County
	T08S R25E S22	SWSW 22
	S27	SESW 36
	S28	NENW 36
		NWNW 13
		SENE 2
		SWNW 5
		SENE 35
	150 ACRES TOTAL	

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

PROPERTY IS ALSO KNOWN AS TRACT H OF SECTIONS 22, 27 & 28 T08S,
R25E.

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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07273

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7273

Comments:

1. VHANCOCK 6/11/1998 ADDRESS CHANGE
Comment: TO GRID ADDRESS PER NOTICE REC'D 2-11-98

2. CTIMM 7/1/1999 ADDRESS CHANGE
Comment: CORRECTED ADDRESS CHANGE. C.T.

3. pskaggs 11/10/2003 7:23:38 AM Water Right
Comment: Right 36-7273 was superceded by SRBA Partial Decrees 36-7273A & B.

Dates and Other Information:

Licensed Date:
Decreed Date: 1/15/1998
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

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