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36-02493D
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

	)	Water Right 36-02493D
In Re SRBA	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES 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, on June 24, 1999, 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 *Supplemental Director's Report*

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

PERIOD OF USE: 04-01 to 10-31

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 31 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.

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

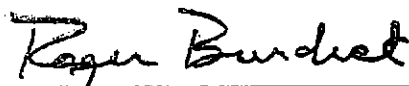
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify 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 December 5, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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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

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In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02493D

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: GROUNDWATER

QUANTITY: 0.26' CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-07681 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.24 CFS AND A TOTAL COMBINED
DIVERSION VOLUME OF 248 AF.

PRIORITY DATE: 06/28/1961

POINT OF DIVERSION: T08S R15E S31 NWESE Within GOODING County

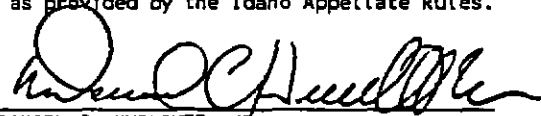
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.26 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T09S R15E S06 Lot 1 (NENE) 5 Lot 2 (NWNE)10
15 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-07681 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

MEMORANDUM

TO: FILE 36-2493E
FROM: VAULT
RE: TRANSFER # 5357
DATE: _____

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 36-2493F

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2493E

1. T19 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.
2. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 5, 2001.

Remarks:

1. General USE OF THIS RIGHT WITH RIGHT NO. 36-07681A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.14 CFS AND A TOTAL COMBINED DIVERSION VOLUME OF 226.8 AF.
USE OF THIS RIGHT WITH RIGHT NO. 36-07681A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 56.7 ACRES IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE:

Comments:

1. BAUMHOFF 9/16/1991 COPIED FROM REMARKS
Comment: SEE TRANS. 3169.
2. WORSTELL 8/14/1992 SPLIT FROM 36-02493A
Comment:
3. PSKAGGS 5/4/2000 TRANSFER 5357
Comment: Transfer 5357 adds/changes the points of diversion under Rights 36-10407 & 36-10408, and adds/changes the points of diversion & changes the place, nature & season of use under a portion of Rights 36-02493D (E & F) & 36-07681 (A & B) splitting each right.
4. JPEPPERS 4/12/2002 Irrigation Season
Comment: Irrigation season remarks were added based on amended decree of 12/5/2001 for 36-2493D.

Dates and Other Information:

Licensed Date:
Decreed Date: 12/5/2001
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
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

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MAY 21 2003