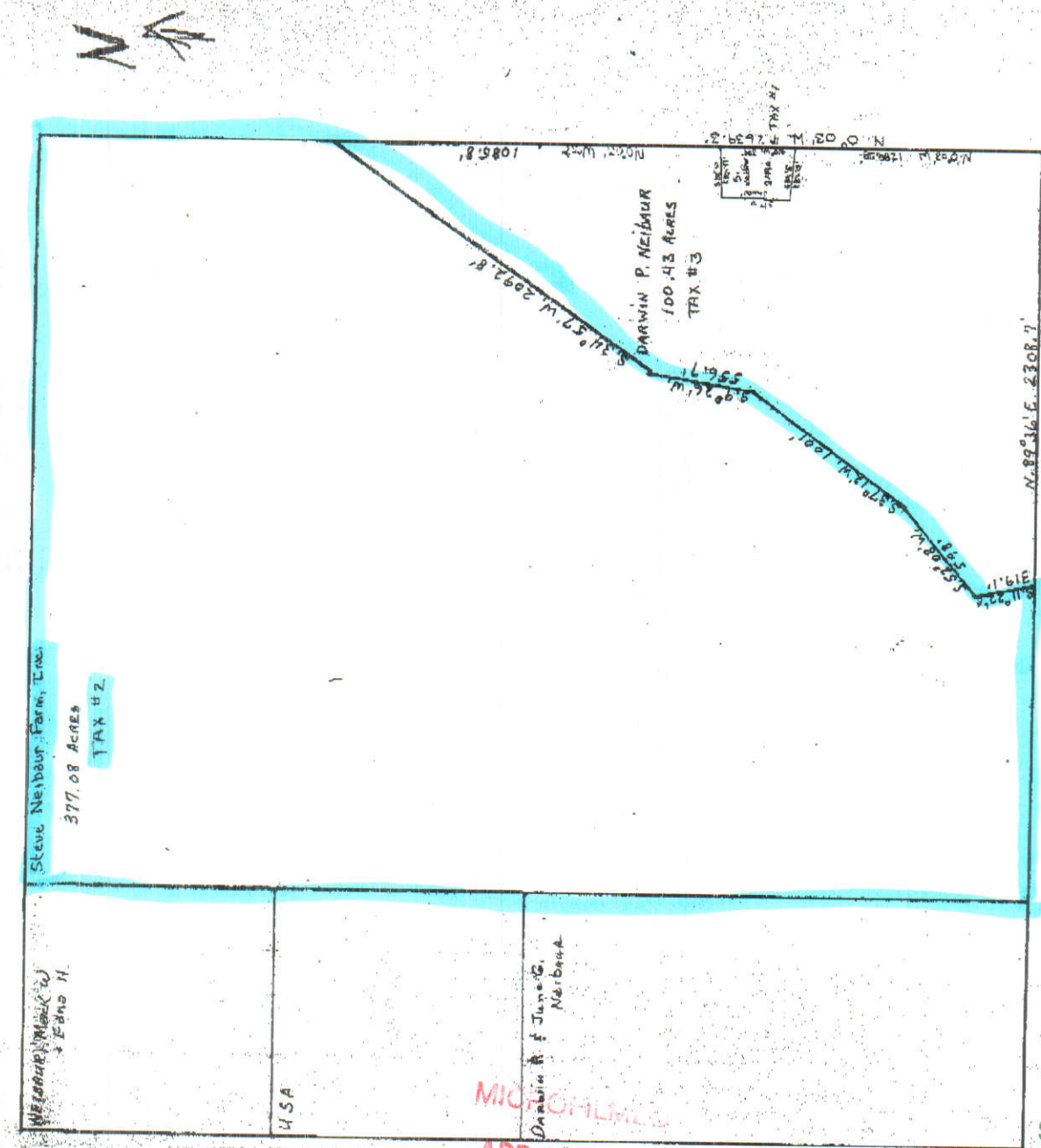




29-7-23

Attn: John

75 28 E

31-22310

31-15209

29

MICROFILMED
APR 21 2004

SCANNED
JAN 29 2004

3
45.4

10
65.5

9
61.5

NHEL

NHEL

11
35.9

NHEL

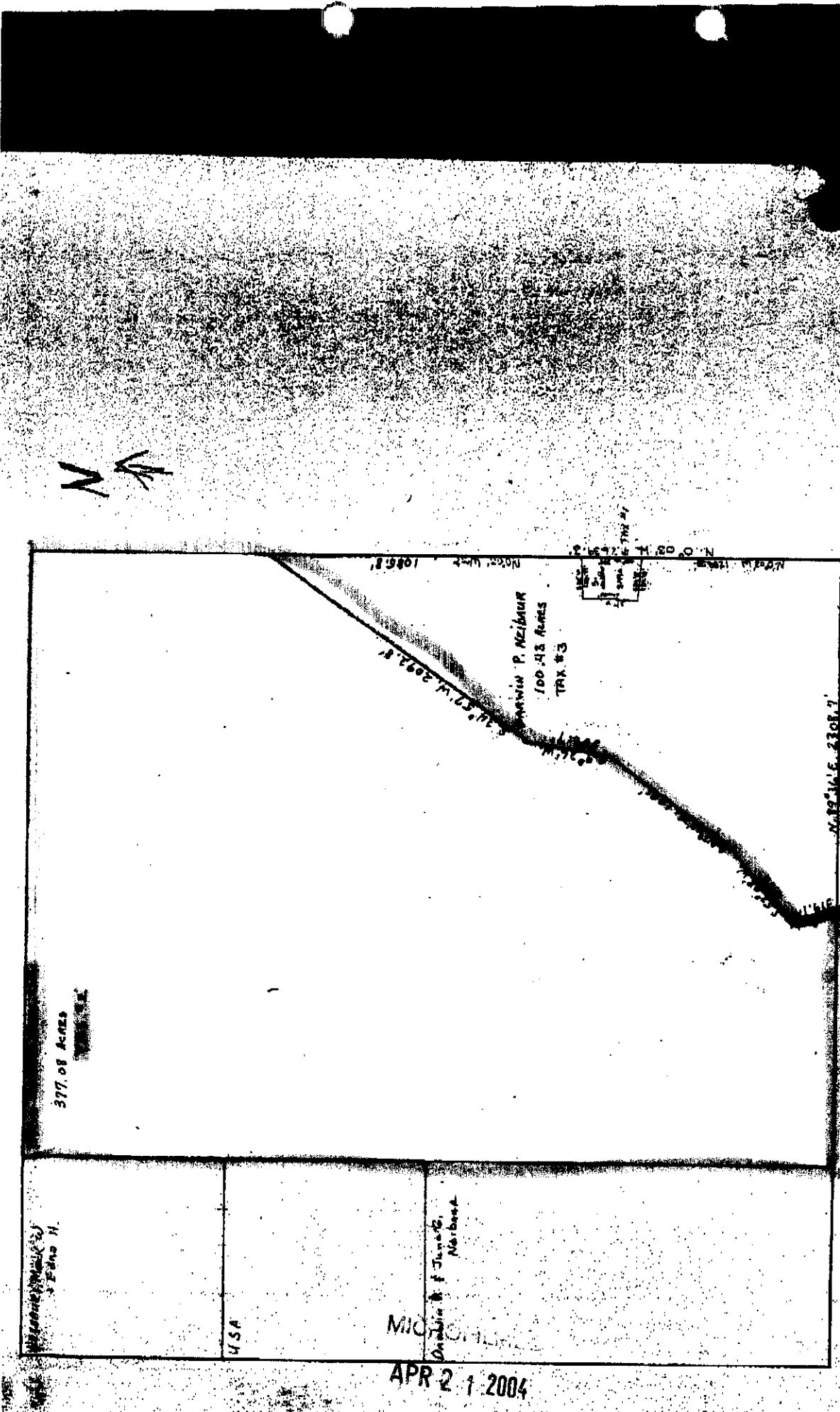
12
10.4

13
15.6

14
94.6

MICROFILMED
APR 21 2004

SCANNED
JAN 29 2004



29-7-23

John: John.

SCANNED

JAN 29 2004

12-20-E 86-23340 86-15309



MICROFILM

APR 21 2006

SCANNED

JAN 29 2006

2001 DEC -3 PM 4: 33

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	)	Water Right 36-02230D
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on December 29, 1997. 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: 03-15 to 11-15

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).

MICROFILMED

APR 21 2004

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 3, 2001.



ROGER 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-

1997 DEC 29 PM 5:01

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-022300

NAME & ADDRESS: STEVE NEIBAUR FARMS INC
RT 1 BOX 1410
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 5.64 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-15209 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.64 CFS, AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1340 AF.

PRIORITY DATE: 07/15/1953

POINT OF DIVERSION: T07S R23E S29 SWSWE Within LINCOLN County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 5.64 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County
T07S R23E S29 NENE 38 NWNE 39 SWNE 37 SENE 30
NENW 22 SENW 24 NESW 40 SESW 39
NESE 5 NWSE 39 SWSE 22
335 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-15209 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 335 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 293 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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

MICROFILMED

APR 21 2004

T# 70166

APPLICANT: Steve Neubauer WATER RIGHT NO. 36-2230D et al

70166

Transfer Review Sheet

Applicant Steve Neibaur Farms Inc Transfer # 70166

Rights Involved with Transfer:

WR# 36-2230D 36-15209

AJ# _____

Right ID Correct? ☒ Y or N ☒ Y or N Y or N Y or N Y or N Y or N

Split? Y or ☒ N Y or ☒ N Y or N Y or N Y or N Y or N

Unchanged # _____

Changed # _____

Area of Concern: ESPA district 130

Comment Letters:

Watermaster: District ✓
 Fish & Game _____
 Canal Company _____
 Stream Channel _____
 City _____
 DEQ _____
 County _____
 Department of Ag _____
 Other _____

Date Requested

Date Received

SDE:

Right Number
36-2230D

36-15209

POD ID #
577695
577694
577693
577692

577697
577698
 528 577699
 520 577700

Shape
Updated

☒
☒
☒
☒

☒
☒
☒

POU ID #

671225

671226

Shape
Updated

☒

☒

(70166)

Conditions:**GROUNDWATER:**

DRILLING PERMIT - 046
 DP upgrade req'd Y N (contact GW)

WMD - North/East/West
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 067

~~WMD~~
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 01M or 01Q

SURFACE WATER:

WD - R05
 ≤ 0.20 cfs/others - R02, 01P or No MD
 > 0.20 cfs - R43

~~WD~~, SPRINGS/SINK, INACTIVE WD & REST OF STATE
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON _____ to _____ (use X61 if extended season)
 STANDARD VOLUME _____ af/ac
 CONSUMPTIVE USE VOLUME _____ af/ac

**SUPPLEMENTAL
 SUPPLEMENTAL
 WITHIN ESPA**

- 065-104 (where irrigation is the only use)
- 100-105 (where there are other uses besides irrigation)
 - 113-114-116 (mitigation)
 - 115 (meas. Device for non-irrig uses or new irrig systems)
 - 131 (existing irrig systems)

USES:

STORAGE - 18C-R02-01P-18B-NA
 IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
 > 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
 Volume only - R58/R59/R60/R61
 STOCKWATER - R37 (all BLM/USFS)
 MINING- 054-106
 FISH PROP - 029 (70's basins only)-007-122-106
 HEAT/COOL - R07 (injection well)
 FIRE PROT. - 077
 DAIRY - 082 (zoning if a concern)-106-WD8

USES:

POWER - 17H-17K (+uses)-025-106
 MUNICIPAL
 Restricted area - 022-075 RAFN - 007-109-X64
 Irr., GW supp to SW - 102
 DOMESTIC
 Surface water - WB5 (Big Wood or Boise above Star Bridge)
 - 27A (Payette River)
 - 070-071-075 (no parks/common areas, etc)
 >1 in restricted area - WB5
 Irr use listed separate

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
 T08 - comply or rescind
 T17 - >1 pd, measure all (use w/ WB4)
 T18 - Special T17 & R43 combined -
 multiple pds in WD

Protested - 020-X19
 Water Quality - 106-R07

X27 - Number of acres/season in ppu
 X35 - Combined totals of multiple rts
 083 - replaces C11 (enlargement rights)

X49 - measure p/d's (source chg'd to orig trib)
 X51 - 2+ yrs to develop
 X53 - Use ltd to orig. source availability
 X54 - forfeited ac/rate (used rarely)
 X55 - (transfer shrinks total water to less ac)
 004 - no right-of-way
 X58 - pending claim (statutory or AJ b/u claim)
 X61 - extended irr season
 X62 - replaces N11 and N13
 X63 - replaces C12
 WB4 - + p/ds, cfs & afa (used with T17)
 WD8 - land application of waste water
 01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

Apply one to chg'd & unchg'd rts that are subject to SRBA:

T09 - on-going SRBA (no Dir Rpt yet)
 T19 - replaces C18
 (if at Directors Report or Partial Decree stage)
 T20 - use only on unchg'd rts not subject to SRBA

OTHER CONDITIONS/REMARKS:

Initial Allocation Review by _____
 SRBA Review Completed by _____
 Regional Manager Review by _____

JF

Date _____

Date _____

Date 3/21/08**Comments:**

Approval Updates Completed
 4-5-04 *CS*

(70166)

Legal Notice- 70166
Jfreitag
1-23-03

Transfer is proposing to add two existing points of diversion to the existing system.

Location is 11 miles north of Rupert, Idaho.

MICROSOFT
APR 21 2004
