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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)
)
)
Case No. 39576)

Water Right 34-10744

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 20, 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 1, IDWR Basin 34, 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: 05-01 10-15

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

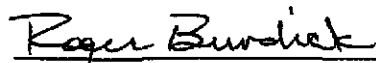
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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 December 14, 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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-10744

JAN 23 PM 2:38
DISTRICT - 5-383A
TWIN FALLS, IDAHO

NAME & ADDRESS: LYNN J METCALF
VELMA L METCALF
RT 1 BOX 35
DARLINGTON ID 83231

RECEIVED

JAN 30 1997

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS
QUANTITY: 1.49 CFS

Department of Water Resources

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 9.33 CFS. COMBINED RIGHT NOS.:
34-10740, 34-10742, 34-02374A AND 34-02374B.

PRIORITY DATE: 03/10/1894

POINT OF DIVERSION: T07N R24E S34 SENWNW Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.49 CFS

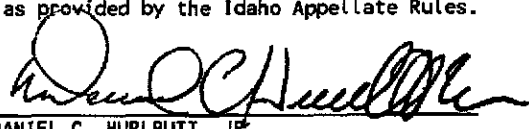
PLACE OF USE:	IRRIGATION	Within CUSTER County			
	T06N R25E S02	Lot 4 (NWNW)40	NWSW 40	SWSW 40	
	S03	SESE 40			
	S05	NESE 26	NWSE 6		
	S10	NENE 40	SWNE 23.5	SENE 22	SWNW 0.5
		SENW 12			
	S11	NWNW 40	SWNW 32		
	362 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 362 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-10740, 34-10742,
34-02374A AND 34-02374B.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 74.5 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

~~Water Right Report 34-605C~~

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	OREGON MORTGAGE CO LTD , ZZ
Current Owner	M BIRD TEW , ID

Status	See Remarks
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<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/15	0 140 CFS	
	<u>Total Diversion:</u>	0.140 CFS	

BIG LOST RIVER

CUSTER County

Sec. 6, Twp 06N, Rge 25E, B M

[illegible]Remarks

1 General TRANS #767
P/D SUTTER DITCH P/U TRACT #108 & 109 IN SEC 10-6N-25E.

1 scurtis 10/11/2002 2:08:01 PM Explanatory Comment
Comment See Rights 34-10908 and 34-10744

Dates and Other Information: