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Department of Water Resources

202 FEB -6 PM 2:11

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	)	For Decreed Water Right 34-07118
	)	(Split administratively into water rights 34-07118A & 34-
	)	07118B.)
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 water right 34-07118 ("decreed water right") on December 16, 1997. The period of use element therein 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. On June 24, 1999, the Idaho Department of Water Resources (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* ("Supplemental Director's Report"), which included irrigation period of use recommendations for the decreed water right. No objections were filed and the time for filing objections has expired. Following the issuance of the *Supplemental Director's Report*, the decreed water right was split administratively into multiple water rights designated as 34-07118A and 34-07118B ("split water rights").¹

¹ Some or all of these split water rights may have again been split or affected by subsequent administrative proceedings. However, this *Order* only amends the *Partial Decree* that was issued for the decreed water right and does not affect any administrative changes to the water right occurring subsequent to the entry of the *Partial Decree*.

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

PERIOD OF USE: 04-01 to 11-1

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned decreed 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).

IT IS FURTHER ORDERED that this order is being entered *nunc pro tunc* effective as of the date the *Partial Decree* was issued and shall not supercede any subsequent administrative changes to the water right that may have 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: 2-5-02


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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

Important Information About Your Water Right

February 5, 2002

Gary Rogers
3403 N Hwy 93
Moore, ID 83255

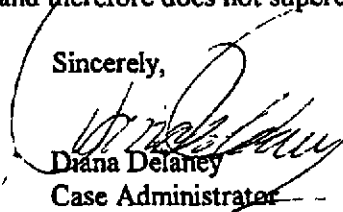
Dear Water Right Claimant(s):

This letter accompanies a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree, and Incorporating into Partial Decree Express Statement Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") issued for water right number 34-07118. Following the issuance of the *Partial Decree* for water right 34-07118, the water right was split into multiple water rights pursuant to administrative proceedings conducted before the Idaho Department of Water Resources (IDWR). According to the records of IDWR, you are the current owner of water right 34-07118B,¹ which represents a water right resulting from the split of water right 34-07118. If you are not the current owner, please contact IDWR immediately at:

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 water right 34-07118. 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). The *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 water right 34-07118, sets forth all of the elements from which your water right is derived. (Again, your water right was split from water right 34-07118.) 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 this water right. The original of the *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 on the same date that the *Partial Decree* was originally issued and therefore does not supercede any administrative changes occurring after that date.

Sincerely,


Diana Delaney
Case Administrator

¹ If water right 34-07118B is not listed as one of the split rights in the caption of the accompanying *Order*, it is because one of the captioned split rights was again split. This resulted in more split water rights including your water right. However, for purposes of the *Order*, these subsequently split rights need not be addressed, as they are not affected by the *Order*. If you have questions regarding your water right please contact IDWR.

MICROFILMED

2002 2 13

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

11-10-68

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FEB - 7 2002

Department of Water Resources

2002 FEB -6 PM 2: 11

DIST. OF COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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DATED: 2-5-02


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

SCANNED

Important Information About Your Water Right

February 5, 2002

Soelberg Farms Partnership
1482 Three Fountains Drive
Idaho Falls, ID 83404

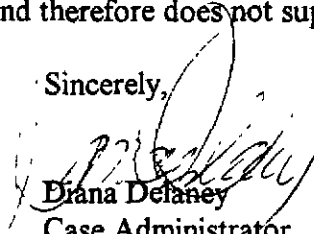
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Sincerely,



Diana Delaney

Case Administrator

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SCANNED

Important Information About Your Water Right

February 5, 2002

Gary Rogers
3403 N Hwy 93
Moore, ID 83255

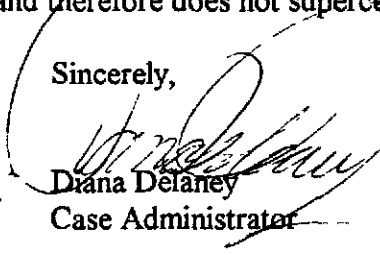
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Diana Delaney

Case Administrator

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SCANNED

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 34-07118

1997 DEC 16 AM 11:11

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

NAME & ADDRESS: SOELBERG FARMS PARTNERSHIP
C/O DEXTER DOUGLAS
RT 1 BOX 394
ARCO ID 83213

SOURCE: GROUNDWATER

QUANTITY: 15.9 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2779 AF.
COMBINED RIGHT NOS.: 34-07186A AND 34-07186B.

PRIORITY DATE: 11/24/1975

POINT OF DIVERSION: T05N R26E S32 SENWSE Within BUTTE County
SWSWE
SESWE

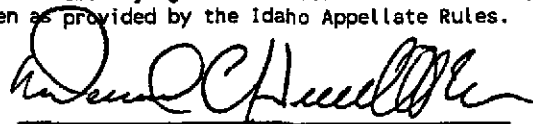
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	15.9 CFS

PLACE OF USE:	IRRIGATION	Within BUTTE County				
	T03N R26E S07	NESW 37	Lot 3	(NWSW)36	Lot 4	(SWSW)36
		NESE 36		NWSE 36		SWSE 36
	S08	NESW 33		NWSW 36		SWSW 36
		NESE 8		NWSE 23		SWSE 34
	S16	MENW 33		NWNW 33		SWNW 33
		NESW 33		NWSW 33		SWSW 33
	794 ACRES TOTAL					

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 794 ACRES IN A SINGLE
IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-07186A AND 34-07186B.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 06 2004
DEPARTMENT OF
WATER RESOURCE

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 34-07118A

[] Name(s): SOELBERG FARMS -
R. BRUCE SOELBERG

[] Old Mailing Address: 3715 ANTELOPE ROAD
MOORE, ID 83255

[] New Mailing Address: 1482 THREE FOUNTAINS DRIVE
IDAHO FALLS, ID 83404

Telephone Number: (208) 525-3327

[] Signature(s) of Owner(s) R Bruce Soelberg,
General Partner
(Include your title if on behalf of company or organization)

Date: 8-6-04

Database updated - Keri Lynn - 8.25.04

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7118

WATER RIGHT NUMBER 34-7118

Owner Type Name and Address
 Directors Report Owner SOELBERG FARMS
 1482 THREE FOUNTAINS DR
 IDAHO FALLS, ID 83404
 (208) 525-3327

Priority Date 11/24/1975

Basis. Decreed

Status Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	15 900 CFS	
	<u>Total Diversion</u>	15 900 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4SE1/4	Sec 32, Twp 05N, Rge 26E, B M
BUTTE County		
GROUND WATER	SE1/4NW1/4SE1/4	Sec 32, Twp 05N, Rge 26E, B M
BUTTE County		
GROUND WATER	SE1/4SW1/4SE1/4	Sec 32, Twp 05N, Rge 26E, B M
BUTTE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	26E	7									37 0	36 0	36 0	37 0	36 0	36 0	36 0	36 0	290 0
												L 3	L 4						
03N	26E	8									33 0	36 0	36 0	36 0	8 0	23 0	34 0	34 0	240 0
03N	26E	16					33 0	33 0	33 0	33 0	33 0	33 0	33 0	33 0					264 0

Total Acres 794

Conditions of Approval

MICROFILMED

Remarks

1482 THREE FOUNTAINS DR

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7118

- 1 Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 794 ACRES IN A SINGLE IRRIGATION SEASON
COMBINED RIGHT NOS 34-07186A AND 34-07186B
- 2 Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2779 AF
COMBINED RIGHT NOS 34-07186A AND 34-07186B

Comments.

1 AJTEMP 5/6/1992 ADDED DIVERSION RATE & CONDITION M04
Comment

2 THOMPSON 3/15/1993 C/A
Comment CHANGE IN ADDRESS 3/15/93/JT

3 SBALL 9/10/1996 REFORMATTED
Comment REFORMATTED

4 CSAXTON 4/21/2000 SPLIT RIGHT
Comment THIS RIGHT WAS SPLIT DUE TO A CHANGE OF OWNERSHIP REQUEST 34-07118, 15.9 CFS, 794 ACRES, WELLS 176, 177, 178, SOELBURG 34-07118A, 5.29 CFS, 264 ACRES, WELL 177, SOELBURG 34-07118B, 10.61 CFS, 530 ACRES, WELL 176 AND 178, ROGERS ----- TOTAL 15.9 CFS, 794 ACRES

Dates and Other Information

Licensed Date
Decreed Date 12/16/1997
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
Water District Number
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant
Decree Plaintiff
Civil Case Number
Judicial District
Swan Falls Trust or Nontrust
Swan Falls Dismissed
DLE Act Number
Carey Act Number
Mitigation Plan. False

MICROFILMED
MAR 2003