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SRBA
IDAHO

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 34-02464
	)	
	)	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 May 2, 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 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 season of use recommendation.

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 11-01

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

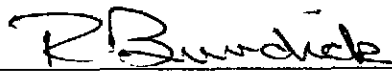
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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 September 19, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER AMENDING IRRIGATION PERIOD OF USE & INCORPORATING EXPRESS STATEMENT REGARDING GENERAL PROVISIONS was mailed on September 20, 2001, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

STATE OF IDAHO

Represented by:
HARRIET A. HENSLEY
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-4543

G DAVID & HEATHER M NELSON
MOUNTAIN SPRINGS RANCH LLC

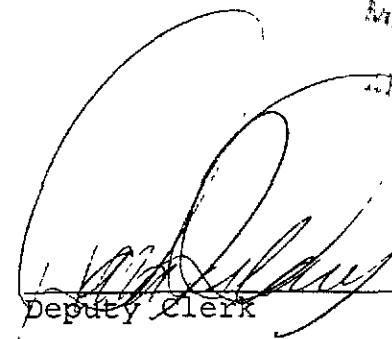
Represented by:
PATRICK D. BROWN
109 S ADAMS ST
JEROME, ID 83338
Phone: 208-644-1967

CHARLES W BURGESS

Represented by:
WILLIAM R HOLLIFIELD
249 THIRD AVENUE EAST (83301)
PO BOX 66
TWIN FALLS, ID 83303-0066
Phone: 208-734-5610

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

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SEP 21 2001


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MAY 29 1997

Department of Water Resources
Adjudication Bureau

MAY -2 AM 9:24

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILE

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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 34-02464
_____	)	

On March 18, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 34-02464 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 2, 1997.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

MICHAEL L. LEMEL

MAY 29 1997

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 34-02464

NAME & ADDRESS: CHARLES W BURGESS
RT 1
MACKAY ID 83251

SOURCE: GROUNDWATER

QUANTITY: 2.36 CFS
413.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 34-00074, IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.75 CFS.

PRIORITY DATE: 06/28/1965

POINT OF DIVERSION: T06N R25E S05 LOT 4 (NWNWNW)

Within CUSTER County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
2.36 CFS
413.0 AFY

PLACE OF USE: IRRIGATION Within CUSTER County
T06N R25E S05 Lot 3 (NENW) 49.0 Lot 4 (NWNW) 46.0 SENW 23.0
118.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-00074, IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 118 ACRES IN A SINGLE
IRRIGATION SEASON.

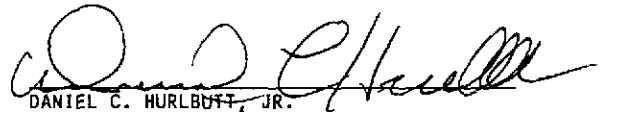
DATED: MAY 2 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

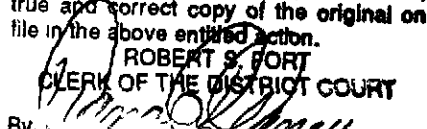
RULE 54(b) CERTIFICATE

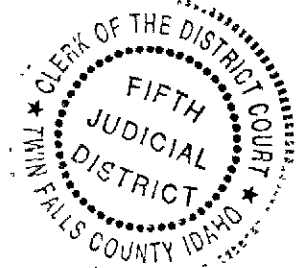
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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: MAY 2 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-02464

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.
ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK



PAGE 1
APR-16-1997

Notice to Mailer of Correction in Address

Addressee's Account Number (All numbers, dates, and letters)

☐ No account number on mail

☐ Account number illegible

Addressee's Name

Charles Burgess

Old Address (Include apartment or suite number)

3344 N 2nd

City, State, and ZIP Code

Castroville, CA 95001

New Address (Include apartment or suite number)

3A-2464, 3A-74, 3A-10077

City, State, and ZIP Code

This card is furnished: ☐ For address correction, as requested (your mailpiece was forwarded)
☐ In place of Form 3579 (see reason for nondelivery below)

The address portion of your mailpiece was not readily detachable Reason for nondelivery

☐ Moved left no address

☐ No such street

☐ No such number

☐ Refused

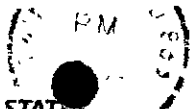
☐ Attempted, not known

☐ Unclaimed

Deceased



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State of Ill Dept of Water
RESOURCES

1301 North Orchard St
MILWAUKEE, WIS.

P. O. BOX 83720

Barcode 83720 0098



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

April 4, 2002

KARL J. DREHER
DIRECTOR

GARY KIMBALL
PO BOX 273
MACKAY ID 83251

RE: Snake River Basin Adjudication (SRBA)
Water Rights #34-74, 34-2464 & 34-10077

Dear Water Right Holder:

We have been advised you are the current owner of the property and water rights referenced above. Before we can modify our records to reflect your ownership of the property and water rights referenced above, we need Form 42-248/42-1409(6) completed and returned. I have enclosed this form for your use.

Please note Item 8 in the instructions of the ownership change form. Since these water rights have been partially-decreed, there is a \$25.00 ownership change fee per water right due. Please submit this fee with the ownership change form and supporting documents.

I have enclosed a copy of the partial decrees for the water rights you acquired for your property, which you may keep for your records. The name on the partial decree does not change, however, once we receive your ownership change, you will be in our records as the current owner of the water right.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS.region:W.A.

Enclosures:

Copy of Partial Decrees Referenced Above
Form 42-248/42-1409(6)

MICROFILMED

MAY 2 2002

MICROFILMED

MAY 2 2002