

2001 DEC -6 PM 3: 19

FILED 24  
TWIN FALLS, 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 57-7052                     |
|                | ) |                                         |
|                | ) | 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 15, 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 July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, 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

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 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.

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 6, 2001.



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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 57-07052

1997 DEC 15 PM 3:10

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED \_\_\_\_\_

NAME & ADDRESS: HIPWELL BROTHERS  
HC 79 BOX 2010  
MURPHY ID 83650

SOURCE: GROUNDWATER

QUANTITY: 2.06 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 57-02212, 57-07083,  
57-07128, 57-07157 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE  
OF 10.35 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF  
4293.0 AF.

PRIORITY DATE: 10/13/1971

POINT OF DIVERSION: T02S R02W S35  
S36

NWNE  
SWNE  
NENW  
SWSW

Within Owyhee County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
Irrigation Season

QUANTITY  
2.06 CFS

PLACE OF USE:

IRRIGATION  
T02S R02W S25

Within Owyhee County

S26

S35

S36

954 ACRES TOTAL

SWNW 32  
SWSW 36  
SWNE 27  
NESE 20  
NENE 40  
NESE 39  
NWNE 10  
SWNW 40  
SWSW 40

SENE 8  
SESE 32  
SENE 5  
NWSE 39  
NWNE 32  
NWSE 5  
SWNE 10  
SENE 40  
SESE 40

NESW 18  
SENE 10  
SWSE 10  
SWNE 28  
SESE 21  
NENW 40  
NESW 40  
NWSE 40

NWSW 39  
NESW 15  
SESE 40  
SENE 40  
NWNW 38  
NWSW 40  
SWSE 40

USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 954 ACRES IN A SINGLE  
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 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