

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
2003 FEB 20 PM 1 55

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

	)	Water Right 57-07037
In Re SRBA	)	
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
_____	)	PROVISIONS, NUNC PRO TUNC

A *Partial Decree* was entered for the above-captioned irrigation water right on June 23, 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 February 20, 2003



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

RECEIVED

JUN 25 1997

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSDepartment of Water Resources
Adjudication BureauIn Re SRBA)
Case No. 39576)
_____)PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

1997 JUN 23 AM 11:21

Water Right 57-07037

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____NAME & ADDRESS: RANDY HIPWELL
PO BOX 212
GRANDVIEW ID 83624

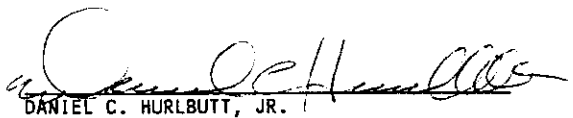
SOURCE: GROUNDWATER

QUANTITY: 4.76 CFS
1116.0 AFYUSE OF THIS RIGHT WITH RIGHT NO. 57-07036 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.76 CFS.

PRIORITY DATE: 11/14/1969

POINT OF DIVERSION: T06S R03E S23 SESEW Within Owyhee County
S26 NWNWNW
S27 SENESEPURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 4.76 CFS
1116.0 AFYPLACE OF USE: IRRIGATION Within Owyhee County
T06S R03E S23 SWSE 25.0
S26 NWNW 35.0 NENW 37.0 NWNW 21.0 SWNW 27.0
S27 NENE 40.0 SENE 38.0 NESE 25.0
248.0 ACRES TOTAL

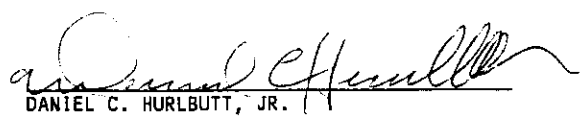
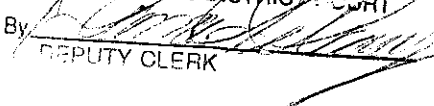
DATED:


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

RULE 54(b) CERTIFICATE

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DATED:


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin AdjudicationPARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-07037State 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