

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 13, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT IN PARTIAL DECREE 57-10428 was mailed on February 01, 2002, with sufficient first-class postage to the following:

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Deputy Clerk

2001 DEC -4 AM 9:06
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *PK*

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

	)	Water Right 57-10428
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, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on September 9, 1997. The irrigation 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. Jay Hulet filed objections to this *Supplemental Director's Report*, such objections having been heard and decided by the Special Master. Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, 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 the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-01 to 11-15

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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

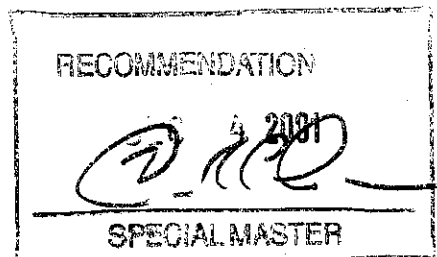
This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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 January ____, 2002.

ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication



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SEP 16 1997

Department of Water Resources
Adjudication Bureau

1997 SEP -9 PM 1:42

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

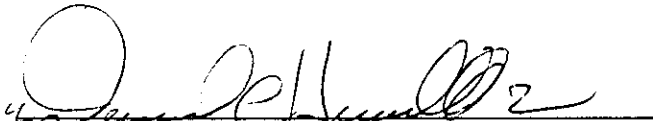
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 57-10428
_____	)	

On June 23, 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 57-10428 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED September 9, 1997.


DANIEL C. HURLBUTT, JR.
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 57-10428

FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
1997 OCT -9 PM 1:42

NAME & ADDRESS: JOYCE LIVESTOCK CO
C/O PAUL NETTLETON
MURPHY ID 83650

SOURCE: SINKER CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 13.2 CFS

WHEN ANY PORTION OF THIS RIGHT AND SINKER CREEK RIGHT NOS.
57-00001A, 57-00173, 57-00174, 57-00176, 57-00180A, 57-00002 AND
57-10922 IS DIVERTED THROUGH MURPHY MUTUAL CANAL (MMC) FOR USE
OUTSIDE THE SINKER CREEK DRAINAGE (LANDS IRRIGATED WITH WATER
THAT FLOWS THROUGH MMC BEYOND THE NE1/4 OF S25, T03S, R02W), THEN
USE OF THIS RIGHT WITH SINKER CREEK RIGHTS LISTED ABOVE AND WITH
GROUNDWATER RIGHTS 57-02293 AND 57-10488 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 28.6 CFS FROM ALL POINTS OF DIVERSION.

WHEN ANY PORTION OF THIS RIGHT OR SINKER CREEK RIGHTS LISTED
ABOVE IS DIVERTED THROUGH MMC, THE APPROPRIATOR SHALL CAUSE TO
FLOW DOWN SINKER CREEK A MINIMUM FLOW OF 3.6 CFS, TO BE MEASURED
AT A POINT ON SINKER CREEK LOCATED IN THE NE1/4 OF S13, T03S,
R01W.

WHEN NO PORTION OF THIS RIGHT OR THE SINKER CREEK RIGHTS
LISTED ABOVE IS DIVERTED THROUGH MMC, THEN USE OF THIS RIGHT WITH
THE SINKER CREEK RIGHTS LISTED ABOVE IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 13.58 CFS FROM ALL POINTS OF
DIVERSION.

USE OF THIS RIGHT WITH ANY OF THE RIGHTS LISTED ABOVE AND
GROUNDWATER RIGHTS 57-02293 AND 57-10488 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 23.7 CFS FROM ALL POINTS OF DIVERSION.

PRIORITY DATE: 04/01/1867

POINT OF DIVERSION:	T03S R01W S30	NESE	Within Owyhee County
		SWSE	
	S31	NWNE	
		NENW	
		SWNW	
		SENW	
	R02W S36	SESE	
	T04S R02W S01	NWNE	
		NESW	
	S11	NWNE	
		NENW	

TWO POINTS OF DIVERSION LOCATED IN SWSE, S30, AND SENW, S31,
T03S, R01W; AS WELL AS IN NWNE, S01, AND NWNE, S11, T04S, R02W.
RIGHT NOS. 57-00180A, 57-00002, 57-00176, 57-00173, 57-00001A,
57-00174 AND 57-10922 ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION	PERIOD OF USE Irrigation Season	QUANTITY 13.2 CFS
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PLACE OF USE:	IRRIGATION	Within Owyhee County		
	T03S R01W S16	NENE 35	NWNE 38	SWNE 1
		NWNW 40	SWNW 40	SENW 28
	S17	NESE 40		NENW 40
	S18	SESW 24		NWSW 25
	S19	NWNE 1	SWNE 11	NENW 38
				Lot 1 (NWNW)28

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-10428

T03S R01W S19	Lot 2	(SWNW)25		SENE 30		NESW 18	Lot 3	(NWSW)12
		SESW 3		NWSE 1		SWSE 1		
S30		NWNE 5		NENW 11	Lot 2	(SWNW) 1		SENE 10
		SESW 3		NESE 10		NWSE 10		SWSE 24
		SESE 7						
S31		NENW 10	Lot 2	(SWNW)15		SENE 27	Lot 3	(NWSW)25
R02W S36		SENE 1		NESE 20		SWSE 6		SESE 30
T04S R02W S01	Lot 2	(NWNE)12	Lot 3	(NENW) 3		SENE 15		NESW 8
		NWSW 22		SWSW 15				
S02		SWSE 8		SESE 28				
S11		NENE 1		NWNE 4				
810 ACRES TOTAL								

WHEN NO PORTION OF THIS RIGHT OR THE SINKER CREEK RIGHTS LISTED ABOVE IS DIVERTED THROUGH MMC, THEN USE OF THIS RIGHT WITH THE SINKER CREEK RIGHTS IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 304 ACRES. USE OF THS RIGHT WITH THE SINKER CREEK RIGHTS LISTED ABOVE AND GROUNDWATER RIGHTS 57-02293 AND 57-10488 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 810 ACRES IN A SINGLE SEASON.


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

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