

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	)	FINAL ORDER DISALLOWING WATER
	)	RIGHT CLAIM 43-4023
Case No. 39576	)	
	)	ORDER OF PARTIAL DECREE FOR
	)	WATER RIGHTS 43-4023A, 43-4023B
	)	and 43-4023C

On June 18, 2002, the Idaho Department of Water Resources (IDWR) filed a *Notice of Completed Administrative Proceeding* and an attached *Amended Director's Report* recommending that water right 43-4023 be split into water rights 43-4023A, 43-4023B and 43-4023C. No objections were filed to the recommendations and the time for filing objections has now expired.

THEREFORE IT IS ORDERED AND ADJUDGED that water right claim 43-4023 is hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

IT IS FURTHER ORDERED AND ADJUDGED that water rights 43-4023A, 43-4023B and 43-4023C be decreed with the elements as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

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: March 26, 2003.



ROGER S. 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 43-04023A

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 MAR 26 AM 10 09

NAME AND ADDRESS: GARY B HARPER
2040 E 850 S
DECLO, ID 83323

SOURCE: GROUND WATER

QUANTITY: 0.43 CFS
88.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED DIVERSION
VOLUME OF 1025.6 AF. COMBINED RIGHT NOS.: 43-2356A, 43-2441B,
43-4022A, 43-4023A AND 43-4024C.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 3.4 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 680 AF. COMBINED RIGHT NOS.: 43-2441B,
43-4022A, 43-4023A AND 43-4024C.

PRIORITY DATE: 04/01/1954

POINT OF DIVERSION: T11S R27E S31 NWSESE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.43 CFS 88.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T11S R27E S31	NENE 32.3 NWNE 32.3 SWNE 32.3 SENE 32.3 NESE 31.9 NWSE 31.9 SWSE 31.9 SESE 31.5
	256.4 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 256.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2356A, 43-2441B, 43-4022A, 43-4023A AND
43-4024C.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 170 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2441B, 43-4022A, 43-4023A AND 43-4023C.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 22 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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.

A handwritten signature in black ink, reading "Roger Burdick", is written over a horizontal line.

Roger Burdick
Presiding Judge of the
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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2003 MAR 26 AM 10 09

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-04023B

NAME AND ADDRESS: ROLAND ALLEN LAND & LIVESTOCK
1910 OAKLEY AVE
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 1.89 CFS
392.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 15.78 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 3156 AF. COMBINED RIGHT NOS.: 43-2441C
43-4022B, 43-4023B AND 43-4024D.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 17 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 3645.6 AF. COMBINED RIGHT NOS.: 43-2356B, 43-2441C,
43-4022B, 43-4023B AND 43-4024D.

PRIORITY DATE: 04/01/1954

POINT OF DIVERSION: T14S R27E S04 SESESW Within Cassia County
S05 LOT 3 (NENENW)
S09 SESESW
SWSESW
SESESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.89 CFS 392.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
T13S R27E S32	SWSW 33.4	SESW 33.4
	SWSE 33.1	SESE 33.1
S33	SWSW 32.8	SESW 32.8
T14S R27E S04	NENW 36.1	NWNW 36.1
	SWNW 33.4	SENW 33.4
	NESW 33.4	NWSW 33.4
	SWSW 33.4	SESW 33.4
S05	NENE 33.1	NWNE 33.1
	SWNE 20.0	SENE 20.0
	NENW 33.4	NWNW 33.4
S09	NENW 33.4	NWNW 33.4
	SWNW 33.4	SENW 33.4
	NESW 33.4	NWSW 33.4
	SWSW 33.4	SESW 33.4
911.4 Acres Total		

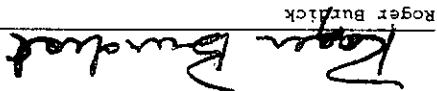
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 789 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2441C, 43-4022B, 43-4023B AND 43-4024D.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 911.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2356B, 43-2441C, 43-4022B, 43-4023B AND
43-4024D.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 98 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

RULE 54(b) CERTIFICATE

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Roger Burdick

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In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-04023C

NAME AND ADDRESS: ROLAND ALLEN LAND & LIVESTOCK
1910 OAKLEY AVE
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 0.08 CFS
14.50 AFY

USE OF THE RIGHT LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 14.5 AF. COMBINED RIGHT NOS.: 43-4022C
43-4023C AND 43-4024E.

USE OF THE RIGHT LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.32 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 15.7 AF. COMBINED RIGHT NOS.: 43-2441D,
43-4022C, 43-4023C AND 43-4024E.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/01/1954

POINT OF DIVERSION: T14S R27E S04 SWSWSW Within Cassia County
SESESW
S09 SWSWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.08 CFS 14.50 AFY

PLACE OF USE:	Irrigation		Within Cassia County
	T14S R27E S04	SWSW	
	S09	NENW	SENW
		SWSW	

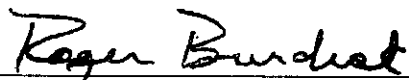
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATIO OF HISTORICAL BENEFICIAL USE.

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).

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Roger Burdick
Presiding Judge of the
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