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** | ) | **FINAL ORDER DISALLOWING WATER RIGHT CLAIM 43-4022** |
| **Case No. 39576** | ) | **ORDER OF PARTIAL DECREE FOR WATER RIGHTS 43-4022A, 43-4022B and 43-4022C** |

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 43-4022 be split into water rights 43-4022A, 43-4022B and 43-4022C. 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 43-4022 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 43-4022A, 43-4022B and 43-4022C 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 Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2003 MAR 26 AM 11 28

In Re SRBA )
)
Case No. 39576 )
)

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR

Water Right 43-04022A

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

SOURCE: GROUND WATER

QUANTITY: 0.83 CFS
168.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1025.6 AF. COMBINED IRGHT 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: 01/01/1953

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 | 0.83 CFS<br>168.00 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 43-4024C. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 42 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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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

2003 MAR 26 AM 11 28

In Re SRBA )
)
Case No. 39576 )
)

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR

Water Right 43-04022B

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

SOURCE: GROUND WATER

QUANTITY: 3.73 CFS
760.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE O 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: 01/01/1953

POINT OF DIVERSION:

| | | |
|---|---|---|
| T14S R27E S04 | SESESW | Within Cassia County |
| S05 LOT 3 | (NENENW) | |
| S09 | SESENW | |
| | SWSESW | |
| | SESESW | Within ERROR County |

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|---|---|---|
| Irrigation | 03-15 TO 11-15 | 3.73 CFS |
| | | 760.00 AFY |
| Stockwater | 01-01 TO 12-31 | 0.08 CFS |

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 LIMTIED TO THE IRRIGATION OF 190 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.

Roger Burdick
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In Re SRBA )
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576 )
) Water Right 43-04022C

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 RIGHTS 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 RIGHTS 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: 01/01/1953

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:

| | | | |
|---|---|---|---|
| Stockwater | | 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 DETERMINATION 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).

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.

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