

**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 S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-04022A

2003 MAR 26 AM 11 28

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 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: 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 168.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T11S R27E S31	NENE 32.3 NWNE 32.3 SENE 32.3 NESE 31.9 NWSE 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

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-04022B

2003 MAR 26 AM 11 28

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 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: 01/01/1953

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

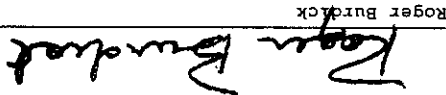
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 789 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2441C, 43-4022B, 43-4023B AND 43-4024D.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 911.4 ACRES IN A SINGLE IRRIGATION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

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PARTIAL DECREE PURSUANT
I.R.C.P. 54(b) FOR
Water Right 43-04022C

2003 MAR 26 AM 11 28

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

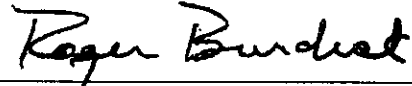
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

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