

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

AMENDED

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

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

Water Right 41-00023

2001 MAR 12 PM 5:14

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BENCH DITCH IRRIGATION CO
PO BOX 157
ROCKLAND, ID 83271

SOURCE: ROCK CREEK, EAST FORK TRIBUTARY: ROCK CREEK

QUANTITY: 0.20 CFS

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

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF
DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF
THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA
COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE
IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE
POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF
WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 14.68 CFS. COMBINED RIGHT NOS.:
41-00018, 41-00020A, 41-00023, 41-00031A, 41-02001, 41-10009 &
41-04028.

PRIORITY DATE: 03/15/1885

POINT OF DIVERSION: T10S R31E S11 SENESE Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.20 CFS
	Stockwater	01-01 TO 12-31	0.12 CFS

PLACE OF USE:	Irrigation		Within Power County
	T09S R31E S32	SWSW 23.0	SESW 38.0
		SWSE 2.1	
	T10S R31E S03	NESW 2.3	NWSW 8.0
		SWSW 7.6	SESW 33.1
		SWSE 7.0	
	S04	SWNE 7.0	NWNW 7.8
		SWNW 5.7	SENE 9.4
		NESW 15.0	NWSW 1.0
		NESE 2.5	NWSE 1.9
		SESE 9.1	
	S05	NENE 23.0	NWNE 33.0
		SWNE 33.2	SENE 29.0
		NENW 40.0	NWNW 38.0
		SWNW 35.8	SENE 40.0
		NESW 30.0	NWSW 31.0
		NESE 13.0	NWSE 17.2
	S06	NENE 23.0	NWNE 1.0
		SWNE 33.0	SENE 41.0
		NESE 30.0	NWSE 33.0
	S10	NWNE 28.0	NENW 1.3
	734.0 Acres Total		

Stockwater	Within Power County
Same as Irrigation	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

THE IRRIGATION OF A COMBINED TOTAL OF 734.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
41-00018, 41-00020A, 41-00023, 41-00031A, 41-02001, 41-10009 & 41-04028

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE 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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

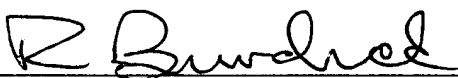
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Water Rights: See Attached Exhibit A
	)	
	)	ORDER AMENDING PARTIAL DECREES
	)	NUNC PRO TUNC TO CORRECT OMISSIONS
Case No. 39576	)	IN PARTIAL DECREES ISSUED FOR
	)	UNCONTESTED WATER RIGHTS IN
	)	BASIN 41, I.R.C.P. 60(a)

On July 28, 2000, this Court issued the *Partial Decrees Pursuant to I.R.C.P. 54(b)* for the uncontested water rights reported in the *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 41*. Subsequently, the Court was notified of errors in certain of those Partial Decrees. After reviewing the Director's Reports and the Partial Decrees, it was determined that the Partial Decrees listed in Exhibit A to this Order omitted comments contained in the elements that were recommended in the Director's Report.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the *Partial Decrees Pursuant to I.R.C.P. 54(b)* for the water rights listed in the attached Exhibit A are hereby amended *nunc pro tunc* to correct the clerical omission as set forth in the respective attached *Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*

Dated March 12, 2001.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

41-00002A	41-00038A	41-10259
41-00002B	41-00039	41-10260
41-00003	41-00040A	41-10261
41-00004A	41-00040B	41-10262
41-00004C	41-00040C	41-10264
41-00005	41-00041A	41-10265
41-00006	41-00041B	41-10266
41-00007	41-00046	41-10267
41-00008C	41-00049	41-10268
41-00008D	41-00050	
41-00008E	41-00051A	
41-00008F	41-00051B	
41-00009A	41-02001	
41-00009B	41-04012A	
41-00012	41-04012B	
41-00013C	41-04013A	
41-00015A	41-04013B	
41-00016	41-04014	
41-00018	41-04023	
41-00019	41-04025	
41-00020A	41-07046	
41-00020B	41-07074	
41-00020C	41-10009	
41-00020D	41-10080	
41-00021A	41-10085	
41-00021B	41-10091A	
41-00022	41-10091B	
41-00023	41-10139	
41-00024A	41-10229	
41-00025A	41-10230	
41-00025B	41-10232	
41-00025C	41-10233	
41-00027B	41-10234	
41-00027D	41-10236	
41-00028	41-10237	
41-00030A	41-10240	
41-00030B	41-10241	
41-00031A	41-10243	
41-00032B	41-10244	
41-00032C	41-10245	
41-00032D	41-10248	
41-00032E	41-10249	
41-00032F	41-10250	
41-00032G	41-10251	
41-00032H	41-10253	
41-00033A	41-10254	
41-00033B	41-10255	
41-00034A	41-10256	
41-00034B	41-10257	
41-00037	41-10258	

(Subcase list: B41REISSUE)

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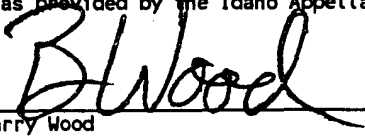
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OTHER PROVISIONS (continued)

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Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication