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DEC 5 2002

Department of Water Resources

DISTRICT COURT - SRBA

TWIN FALLS CO., IDAHO

FILED \_\_\_\_\_

2002 DEC 3 PM 3 49

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

) For Water Right 36-7690A  
)  
)  
)  
)

Case No. 39576  
\_\_\_\_\_

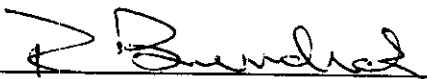
ORDER OF PARTIAL DECREE

On October 30, 2002, an *Amended 2<sup>nd</sup> Special Master's Report and Recommendation* was filed for the above-captioned 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 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 water right 36-7690A is hereby **decreed** as set forth in the attached *Partial Decree(s) Pursuant to I.R.C.P. 54(b)*.

DATED 12-2-02

  
\_\_\_\_\_  
Roger S. 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

2002 DEC 3 PM 3 49

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 36-07690A

NAME AND ADDRESS: PAUL ROBERTSON  
37 N 500 W  
PAUL, ID 83347

SOURCE: GROUNDWATER

QUANTITY: 2.24 CFS  
448.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 20.05 CFS AND TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 4560 AF. COMBINED RIGHT NOS.:  
36-04058A, 36-07056, 36-11124 AND 36-15363.

PRIORITY DATE: 04/06/1978

POINT OF DIVERSION: T06S R21E S29 SWNW Within Lincoln County  
SESW  
S30 LOT 11 (SWSW )

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
| Irrigation                    |                | 04-01 TO 10-31 | 2.24 CFS<br>448.00 AFY |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS  
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,  
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE  
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS  
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBRODINATED EARLY OR  
LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A  
PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

| PLACE OF USE:      | Irrigation | Within Lincoln County |
|--------------------|------------|-----------------------|
| T06S R21E S19      | SWSE 40.0  | SESE 40.0             |
| S29                | NWNW 40.0  | SWNW 40.0             |
|                    | NWSW 40.0  | SWSW 40.0             |
|                    | SESW 40.0  |                       |
| S30                | NENE 40.0  | NWNE 40.0             |
|                    | SWNE 40.0  | SENE 40.0             |
| LOT 1              | (NENW)40.0 | LOT 5 (SWNW)35.0      |
| LOT 6              | (SENW)40.0 | LOT 7 (NESW)40.0      |
| LOT 8              | (NWSW)40.0 | LOT 9 (NWSW)12.0      |
| LOT 10             | (SWSW)16.0 | LOT 11 (SWSW)34.0     |
| LOT 12             | (SESW)40.0 | NWSE 40.0             |
|                    | SWSE 40.0  | SESE 40.0             |
| S31                | NENE 40.0  | NWNE 40.0             |
| LOT 1              | (NENW)40.0 | LOT 2 (NWNW)40.0      |
| LOT 3              | (NWNW)16.0 | LOT 4 (SWNW)16.0      |
| LOT 5              | (SWNW)40.0 | LOT 6 (SENW)11.0      |
| S32                | NWNW 40.0  |                       |
| 1140.0 Acres Total |            |                       |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 1140 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-04058A, 36-07056,  
36-11124 AND 36-15363.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 112 ACRES WITHIN THE

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

PLACE OF USE (continued)

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

RECEIVED

JAN 15 1997

Department of Water Resources

1997 JAN 10 PM 10:10

DISTRICT COURT  
TWIN FALLS, 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

Case No. 39576

) ORDER OF PARTIAL DECREE

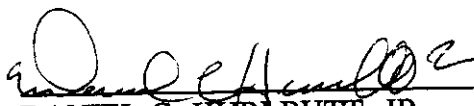
) For Water Right 36-07690A

)  
)  
)  
)  
On November 7, 1996, 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 36-07690A be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 10, 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 36-07690A

1997 JAN 10 PM 12:40  
DISTRICT COURT  
TWIN FALLS, IDAHO  
FILED \_\_\_\_\_

NAME & ADDRESS: PAUL ROBERTSON  
RT 1 BOX 1589  
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 2.24 CFS  
448.0 AFY

USE OF THIS RIGHT WITH THE RIGHTS 36-07690B, 36-15379, AND  
LICENSE 36-07446 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF  
9.82 CFS.

PRIORITY DATE: 04/06/1978

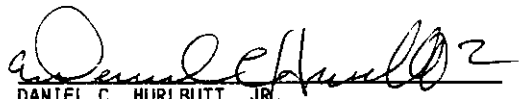
POINT OF DIVERSION: T06S R21E S31 SESWSE Within LINCOLN County  
T07S R21E S04 LOT 3 ( NENW)

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY              |
|-------------------------------|----------------|-------------------|-----------------------|
|                               | IRRIGATION     | Irrigation Season | 2.24 CFS<br>448.0 AFY |

PLACE OF USE: IRRIGATION Within LINCOLN County  
T06S R21E S31 Lot 2 (NWNW) 40.0 Lot 3 (NWNW) 16.0 Lot 4 (SWNW) 16.0 Lot 5 (SWNW) 40.0  
112.0 ACRES TOTAL

CONSUMPTIVE USE: 336.0 AFY

DATED: JAN 10 1997

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

RULE 54(b) CERTIFICATE

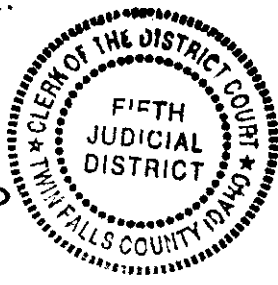
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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: JAN 10 1997

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

State of Idaho  
County of Twin Falls ss.  
I hereby certify the foregoing to be a  
full, true and correct copy of the  
original on file in the above entitled  
action.

ROBERT S. FORT  
CLERK OF THE DISTRICT COURT  
By [Signature]  
DEPUTY CLERK



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       )  
\_\_\_\_\_

Water Right    36-07690A

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT  
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL  
DECREE AN EXPRESS STATEMENT REGARDING GENERAL  
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on January 10, 1997. The 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, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, 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. No objections were filed to this recommendation and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that the period of use for the irrigation element of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE:       04-01    10-31

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.ccc

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 at 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 any 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 August 27, 2001

  
ROGER BURDICK  
Presiding Judge  
Snake River Basin Adjudication

## Important Information About Your Water Right

August 27, 2001

PAUL ROBERTSON  
RT 1 BOX 1589  
PAUL, ID 83347

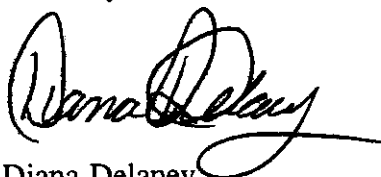
Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-07690A. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources  
1301 North Orchard  
Boise, ID 83706  
800-451-4129

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on January 10, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney  
Case Administrator