

270 AUG 19 AM 8:23
FILED
TWIN FALLS, IDAHO

**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

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ORDER OF PARTIAL DECREE

For Water Right 36-00051A

On February 1, 1999, 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.

On April 22, 1998, (Remittitur issued May 14, 1998) the Idaho Supreme Court ordered that the "period of use" element of an irrigation water right must contain beginning and ending dates specifically defining the irrigation season of use rather than simply stating the "period of use" to be the "irrigation season," and remanded the matter back to the SRBA. *A & B Irr. Dist. v. Idaho Conservation League*, 131 Idaho 411, 424 (1998). Following this ruling, on August 5, 1999, the Idaho Department of Water Resources filed with this Court *Supplemental Director's Reports, Reporting Area 31, IDWR Basin 36*, which revised the period of use for irrigation water rights to include specific beginning and ending dates, and contained proposed conjunctive management general provisions. No objections were filed to the *Supplemental Director's Report* as to this water right claim, and the time for filing objections has now expired.

On August 13, 1999, and again on December 22, 1999, the Idaho Department of Water

Resources ("IDWR") completed administrative changes, substituting owners of the water right.

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*. The *Recommendation* made by the Special Master is adopted, with the exception of the period of use, which has been amended to reflect the changes made in the August 5, 1999, *Supplemental Director's Report*, and the substitution of party, which is consistent with the most recent notice from IDWR, or December 22, 1999.

This water right is subject to any general provision(s) necessary for the definition of the right or for the efficient administration as may be ultimately determined by this Court at a point no later in time than the entry of the final unified decree.

Therefore, IT IS ORDERED that water right 36-00051A is hereby **decree**d as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED AUG 18 2000 .



BARRY WOOD
Administrative District Judge and
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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-00051A

270 AUG 18 AM 8:23
FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: LAMAR LOVELAND
RAIDA LOVELAND
PO BOX 771
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.12 CFS

USE OF THIS RIGHT WITH RIGHT 36-00054A IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.12 CFS.
0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSS
FOR DELIVERY OF THIS RIGHT.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 NESENE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	0.12 CFS

PLACE OF USE: Irrigation Within Gooding County
T07S R13E S02 NESE 3.0
3.0 Acres Total

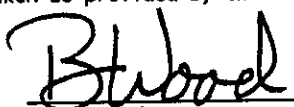
USE OF THIS RIGHT WITH RIGHT 36-00054A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 3.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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.


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

2000 AUG 18 PM 02:00
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

Case No. 39576

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CERTIFICATE OF MAILING

Water Right(s): 36-00051A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-00051A was mailed
on August 18, 2000, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

SAND SPRINGS RANCH PARTNERSHIP
Represented by:
JOSEPHINE P. BEEMAN
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

LAMAR LOVELAND
RAIDA LOVELAND
PO BOX 771
HAGERMAN, ID 83332

CERTIFICATE OF MAILING

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DIANA DELANEY 08/18/00
Chief Deputy Clerk