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MAR 7 1997

Dept. of Water Resources  
Twin Falls Bureau

1997 MAR -6 AM 9:56

DISTRICT COURT-TWIN FALLS  
FILED

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

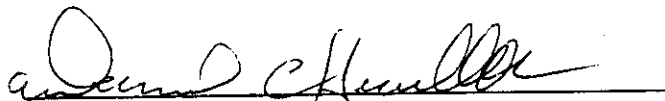
|                |   |                          |
|----------------|---|--------------------------|
| In Re SRBA     | ) | ORDER OF PARTIAL DECREE  |
|                | ) |                          |
| Case No. 39576 | ) | For Water Right 36-00002 |
| _____          | ) |                          |

On January 14, 1997, 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 36-00002 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 6, 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 36-00002

1997 MAR -6 AM 9:51  
DISTRICT COURT  
TWIN FALLS, IDAHO  
FILED

NAME & ADDRESS: BUCKEYE FARMS INC  
18335 U S HWY 30  
HAGERMAN ID 83332

SOURCE: RILEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 10.45 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 36-00001 AND 36-00003H IS  
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 28.55 CFS.

PRIORITY DATE: 10/01/1908

POINT OF DIVERSION: T08S R13E S01 LOT 6 (SESWNE) Within GOODING County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY  |
|-------------------------------|----------------|-------------------|-----------|
|                               | IRRIGATION     | Irrigation Season | 10.45 CFS |

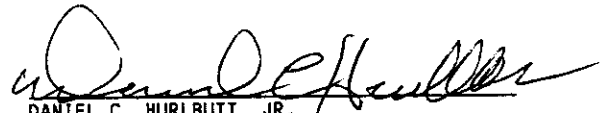
| PLACE OF USE: | IRRIGATION        | Within GOODING County |                   |                   |           |  |  |
|---------------|-------------------|-----------------------|-------------------|-------------------|-----------|--|--|
|               | T07S R13E S27     | SWSW 32.0             | SESW 40.0         | SWSE 40.0         | SESE 40.0 |  |  |
|               | S28 Lot 8         | (SWSE) 40.0           | SESE 35.0         |                   |           |  |  |
|               | S33               | NENE 40.0             | Lot 1 (NWNE) 36.0 | Lot 4 (SWNE) 26.0 | SENE 10.0 |  |  |
|               |                   | Lot 1 (NENW) 6.0      | SENE 4.0          | NESW 1.0          | NESE 6.0  |  |  |
|               |                   | Lot 5 (NWSE) 24.0     | Lot 8 (SWSE) 5.0  | SESE 29.0         |           |  |  |
|               | S34               | NENE 40.0             | NWNE 38.0         | SWNE 40.0         | SENE 38.0 |  |  |
|               |                   | NENW 40.0             | NWNW 34.0         | SWNW 31.0         | SENE 39.0 |  |  |
|               |                   | Lot 3 (NESW) 7.0      | Lot 4 (NWSW) 10.0 | Lot 1 (NESE) 13.0 | NWSE 17.0 |  |  |
|               | 761.0 ACRES TOTAL |                       |                   |                   |           |  |  |

USE OF THIS RIGHT WITH RIGHT NOS. 36-00001 AND 36-00003H IS  
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 761 ACRES IN A  
SINGLE IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NOS. 36-00001 AND 36-00003H IS  
LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF  
2663.5 AF.

DATED: MAR 8 1997

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

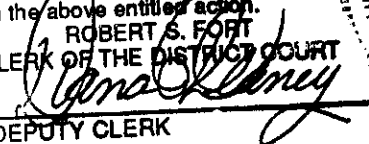
RULE 54(b) CERTIFICATE

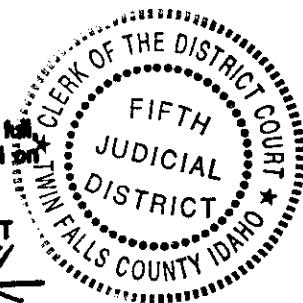
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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: **MR 3 1997**

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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 36-00002

State of Idaho  
County of Twin Falls ss.  
I hereby certify the foregoing to be a true and correct copy of the original on file in the above entitled action.  
ROBERT S. FORT  
CLERK OF THE DISTRICT COURT  
By   
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    36-00002

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 March 06, 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:       02-15    11-30

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

BUCKEYE FARMS INC  
18335 U S HWY 30  
HAGERMAN, ID 83332

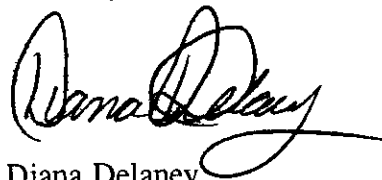
Dear Water Right Claimant(s):

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 36-00002. 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 March 06, 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