

RECEIVED

MAY 23 2002

Department of Water Resources

2002 MAY 22 PM 3: 45

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

)

)

Subcase 36-12464

Case No. 39576

)

)

ORDER OF AMENDED PARTIAL DECREE

On April 13, 1998, a *Partial Decree* was issued for the above-captioned water right. However, due to oversight and omission of the Clerk of the Court, the *Partial Decree* was not entered in the Court's register of action (IWATRS). As a result of this error, a duplicative *Partial Decree* was issued on January 2, 2002. The Court has carefully examined the two *Partial Decrees* and finds that neither of them are complete with respect to the remarks contained therein. This discrepancy apparently resulted from the water right having been reported by the Idaho Department of Water Resources in two separate *Director's Reports*, one having been filed on November 2, 1992, and the other on September 19, 1997. (The irrigation period of use for the water right was also reported in the *Supplemental Director's Report* filed August 2, 1999). No objections were filed to either of the *Director's Reports*. Therefore, the Court finds it necessary to issue an *Amended Partial Decree* which contains all of the remarks as reported in the aforementioned *Director's Reports*.

Therefore, IT IS ORDERED that the *Partial Decrees* previously issued for water right 36-12464 are replaced and superceded by the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-12464*.

DATED: May 22, 2002

Roger Burdick

ROGER S. BURDICK

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

AMENDED

2002 MAY 22 PM 3:45

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-12464

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: DARLENE M & LLOYD MONTGOMERY
RT 3 BOX 126
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.11 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-2525 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.40 CFS AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 304.8 AF.

PRIORITY DATE: 05/01/1981

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T08S R24E S13 SESWSW Within Minidoka County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.11 CFS

PLACE OF USE:	Irrigation		Within Minidoka County
	T08S R24E S13	NENW 9.2	NWNW 9.3
		SWNW 17.6	SENW 5.3
		NESW 5.0	NWSW 2.9
		SWSW 10.5	SESW 13.5
		SWSE 2.9	
	76.2 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 36-2525 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 76.2 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 6.2 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

2 THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT 36-2525
PURSUANT TO SECTION 42-1426, IDAHO COD.

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 MAY 22 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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-12464

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 36-12464 was mailed
on May 22, 2002, with sufficient first-class postage prepaid
to the following:

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

DARLENE M & LLOYD MONTGOMERY
RT 3 BOX 126
RUPERT, ID 83350
Phone: 208-532-4326

DIANA DELANEY
Chief Deputy Clerk

DISTRICT COURT-SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JAN - 2 2002	
By _____	Clerk
_____	Deputy Clerk

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

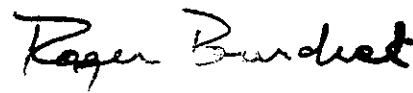
In Re SRBA Case No. 39576 	))))	ORDER OF PARTIAL DECREE For Water Right 36-12464
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On November 2, 1992, the Idaho Department of Water Resources (IDWR) filed its *Director's Report, Part 1, For Reporting Area 3 (Basin 36)*, which included a recommendation for the above water right. No objections to this recommendation were filed and the time period for filing objections has now expired.

On August 2, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigation District v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), 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 a recommendation for the irrigation season of use for this water right. No objections to this Supplemental Report were filed and the time period for filing objections has now expired.

Therefore, IT IS ORDERED that water right 36-12464 is hereby **decreed** as set forth in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b)***.

DATED January 2, 2002.



ROGER S. BURDICK
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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-12464

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN - 2 2002

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: DARLENE M & LLOYD MONTGOMERY
RT 3 BOX 126
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.11 CFS

PRIORITY DATE: 05/01/1981

POINT OF DIVERSION: T08S R24E S13 SESWSW Within Minidoka County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.11 CFS

PLACE OF USE:	Irrigation	Within Minidoka County
	T08S R24E S13	
	NENW 9.2	NWNW 9.3
	SNNW 17.6	SENW 5.3
	NESW 5.0	NWSW 2.9
	SWSW 10.5	SESW 13.5
	SWSE 2.9	
	76.2 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 6.2 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

RIGHT NO. 36-02525 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 36-02525 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.40 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 304.8 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 76.2 ACRES IN A SINGLE IRRIGATION SEASON.

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

Roger 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-12464

2002 JUN -2 PM 4:05

FILED - JUN 13, 2002

NAME AND ADDRESS: DARLENE M & LLOYD MONTGOMERY
RT 3 BOX 126
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.11 CFS

PRIORITY DATE: 05/01/1981

POINT OF DIVERSION: T08S R24E S13 SESWSW Within Minidoka County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.11 CFS

PLACE OF USE:	Irrigation	Within Minidoka County
T08S R24E S13	NENW 9.2 SNNW 17.6 NESW 5.0 SWSW 10.5 SWSE 2.9	NWNW 9.3 SENN 5.3 NWSW 2.9 SESW 13.5
	76.2 Acres Total	

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Roger Burdick

Roger 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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 36-12464

1998 APR 13 PM 4:17

DISTRICT COURT - SR8A
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: DARLENE M MONTGOMERY
LLOYD J MONTGOMERY
RT 3 BOX 126
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.11 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02525 IS LIMITED TO A
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PRIORITY DATE: 05/01/1981

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T08S R24E S13 SESWSW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.11 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T08S R24E S13	NENW 9.2	NWNW 9.3	SWNW 17.6	SENW 5.3
		NESW 5	NWSW 2.9	SWSW 10.5	SESW 13.5
		SWSE 2.9			
	76.2 ACRES TOTAL				

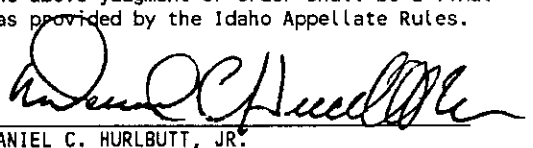
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THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 36-02525 PURSUANT TO SECTION 42-1426, IDAHO CODE.

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