

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 36-11110

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Therefore, IT IS ORDERED that the *Partial Decrees* previously issued for water right 36-11110 are replaced and superceded by the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-11110*.

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**

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 36-11110

2002 MAY 22 PM 3:45  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: IDAHO ACRES DAIRY  
RT 3 BOX 191  
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 1.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-2512 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 2.00 CFS AND A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 800 AF.

PRIORITY DATE: 03/15/1968

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 R25E S09 SENENE Within Minidoka County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 1.00 CFS |

| PLACE OF USE: | Irrigation        | Within Minidoka County                                                                        |                                                                                       |
|---------------|-------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
|               | T08S R25E S09     | NENE 26.0<br>SWNE 27.0<br>NESE 40.0<br>SWSE 40.0<br>S10<br>NWNW 36.0<br>SENW 6.0<br>NWSW 38.0 | NWNE 1.0<br>SENE 40.0<br>NWSE 40.0<br>SESE 40.0<br>SNNW 37.0<br>NESW 34.0<br>NWSE 3.0 |
|               | 408.0 Acres Total |                                                                                               |                                                                                       |

USE OF THIS RIGHT WITH RIGHT NO. 36-2512 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 200 ACRES IN A SINGLE  
IRRIGATION SEASON WITHIN THE PLACE OF USE DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NOS. 36-2512 AND WITH WATER  
SUPPLIED BY THE A&B IRRIGATION DISTRICT FOR USE ON THE PLACE OF  
USE LISTED ABOVE IS LIMITED TO A COMBINED TOTAL OF 408 ACRES  
IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-2512  
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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*

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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): 36-11110

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 36-11110 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

IDAHO ACRES DAIRY  
RT 3 BOX 191  
RUPERT, ID 83350  
Phone: 208-531-5212

DIANA DELANEY  
Chief 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 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 36-11110

1998 APR 13 PM 4:17

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED \_\_\_\_\_

NAME & ADDRESS: IDAHO ACRES DAIRY  
RT 3 BOX 191  
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 1.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02512 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 2.00 CFS AND A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 800 AF.

PRIORITY DATE: 03/15/1968

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 R25E S09 SENENE Within MINIDOKA County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY |
|-------------------------------|----------------|-------------------|----------|
|                               | IRRIGATION     | Irrigation Season | 1.00 CFS |

| PLACE OF USE: | IRRIGATION      | Within MINIDOKA County |         |         |
|---------------|-----------------|------------------------|---------|---------|
|               | T08S R25E S09   | NENE 26                | NWNE 1  | SWNE 27 |
|               |                 | NESE 40                | NWSE 40 | SENE 40 |
|               | S10             | NWNW 36                | SWNW 37 | SESE 40 |
|               |                 | NWSW 38                | NWSE 3  | SENW 6  |
|               | 408 ACRES TOTAL |                        |         | NESW 34 |

USE OF THIS RIGHT WITH RIGHT NO. 36-02512 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 200 ACRES IN A SINGLE  
IRRIGATION SEASON WITHIN THE PLACE OF USE DESCRIBED ABOVE.

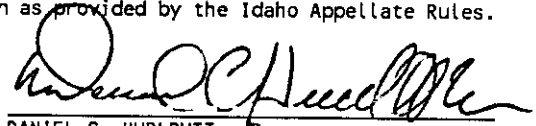
USE OF THIS RIGHT WITH RIGHT NOS. 36-02512 AND WITH WATER  
SUPPLIED BY THE A & B IRRIGATION DISTRICT FOR USE ON THE PLACE  
OF USE LISTED ABOVE IS LIMITED TO A COMBINED TOTAL OF 408 ACRES  
IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT  
NO. 36-02512 PURSUANT TO SECTION 42-1426, IDAHO CODE.

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.



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

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

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

|                                                                              |                       |                                                                       |
|------------------------------------------------------------------------------|-----------------------|-----------------------------------------------------------------------|
| <b>In Re SRBA</b><br><br><b>Case No. 39576</b><br><hr style="width: 100%;"/> | )<br>)<br>)<br>)<br>) | <b>ORDER OF PARTIAL DECREE</b><br><br><b>For Water Right 36-11110</b> |
|------------------------------------------------------------------------------|-----------------------|-----------------------------------------------------------------------|

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.

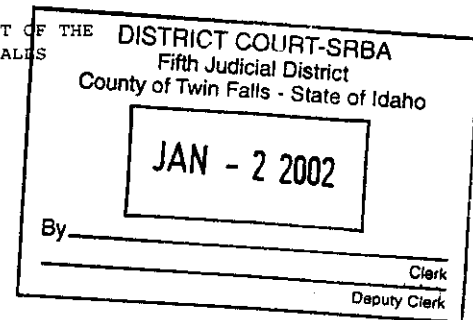
On August 2, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigation District v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation 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 36-11110 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 36-11110

NAME AND ADDRESS: IDAHO ACRES DAIRY  
RT 3 BOX 191  
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 1.00 CFS

PRIORITY DATE: 03/15/1968

POINT OF DIVERSION: T08S R25E S09 SENENE Within Minidoka County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 03-15 TO 11-15 | 1.00 CFS |

| PLACE OF USE: | Irrigation        | Within Minidoka County |
|---------------|-------------------|------------------------|
|               | T08S R25E S09     | NENE 26.0 NWNE 1.0     |
|               |                   | SWNE 27.0 SENE 40.0    |
|               |                   | NESE 40.0 NWSE 40.0    |
|               |                   | SWSE 40.0 SESE 40.0    |
|               | S10               | NWNW 36.0 SWNW 37.0    |
|               |                   | SENW 6.0 NESW 34.0     |
|               |                   | NWSW 38.0 NWSE 3.0     |
|               | 408.0 Acres Total |                        |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHT NOS. 36-02512 AND WITH WATER  
SUPPLIED BY THE A & B IRRIGATION DISTRICT FOR USE ON THE PLACE  
OF USE LISTED ABOVE IS LIMITED TO A TOTAL COMBINED ANNUAL  
COMBINED TOTAL OF 408 ACRES IN A SINGLE IRRIGATION SEASON.

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

RIGHT NO. 36-02512 IS ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 36-02512 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 2.00 CFS, A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 800 AF, AND TO THE IRRIGATION OF A  
COMBINED TOTAL OF 200 ACRES IN A SINGLE IRRIGATION SEASON  
WITHIN THE PLACE OF USE DESCRIBED ABOVE.

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  
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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 36-11110

2002 JUN -2 PM 4:06

FILED

NAME AND ADDRESS: IDAHO ACRES DAIRY  
RT 3 BOX 191  
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 1.00 CFS

PRIORITY DATE: 03/15/1968

POINT OF DIVERSION: T08S R25E S09 SENENE Within Minidoka County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation 03-15 TO 11-15 1.00 CFS

PLACE OF USE: Irrigation Within Minidoka County  
T08S R25E S09 NENE 26.0 NWNE 1.0  
SWNE 27.0 SENE 40.0  
NESE 40.0 NWSE 40.0  
SWSE 40.0 SESE 40.0  
S10 NWNW 36.0 SWNW 37.0  
SENW 6.0 NESW 34.0  
NWSW 38.0 NWSE 3.0  
408.0 Acres Total

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHT NOS. 36-02512 AND WITH WATER  
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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication