

RECEIVED

MAY 23 2002

Department of Water Resources

2002 MAY 22 PM 3: 54

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 36-10025

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Therefore, IT IS ORDERED that the *Partial Decrees* previously issued for water right 36-10025 are replaced and superceded by the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-10025*.

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

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 36-10025

2002 MAY 22 PM 3:54  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: MICHAEL S TELFORD  
RT 2 BOX 2568  
PAUL, ID 83347

SOURCE: GROUNDWATER

QUANTITY: 0.77 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-2408 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 3.8 CFS AND A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 952 AF.

PRIORITY DATE: 05/31/1976

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: T06S R21E S21 SWSESW Within Lincoln County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.77 CFS |

| PLACE OF USE: | Irrigation        | Within Lincoln County |
|---------------|-------------------|-----------------------|
|               | T06S R21E S21     | NESW 40.0             |
|               |                   | NWSW 40.0             |
|               |                   | SWSW 39.0             |
|               |                   | SESW 39.0             |
|               |                   | NWSE 40.0             |
|               |                   | SWSE 40.0             |
|               | 238.0 Acres Total |                       |

USE OF THIS RIGHT WITH RIGHT NO. 36-2408 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 238 ACRES IN A SINGLE  
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 48 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. 36-2408  
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.



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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 )

CERTIFICATE OF MAILING

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

Water Right(s): 36-10025

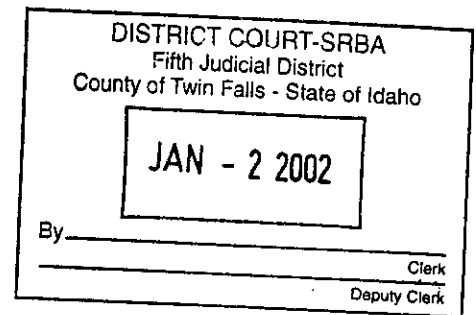
CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-10025 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

MICHAEL S TELFORD  
RT 2 BOX 2568  
PAUL, ID 83347  
Phone: 208-532-4555

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

ORDER OF PARTIAL DECREE

For Water Right 36-10025

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 36-10025 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 2, 2002.

A handwritten signature in black ink, reading 'Roger Burdick'.

ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

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

JAN - 2 2002

By \_\_\_\_\_ Clerk  
\_\_\_\_\_  
Deputy Clerk

PAGE 1  
Jan-09-2002

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 36-10025

302 JAN -2 PM 4:05

FILED  
JAN 13 2002  
TWIN FALLS, IDAHO

NAME AND ADDRESS: MICHAEL S TELFORD  
RT 2 BOX 2568  
PAUL, ID 83347

SOURCE: GROUNDWATER

QUANTITY: 0.77 CFS

PRIORITY DATE: 05/31/1976

POINT OF DIVERSION: T06S R21E S21 SWSESW Within Lincoln County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.77 CFS |

| PLACE OF USE: | Irrigation        |           | Within Lincoln County |
|---------------|-------------------|-----------|-----------------------|
|               | T06S R21E S21     | NESW 40.0 | NWSW 40.0             |
|               |                   | SWSW 39.0 | SESW 39.0             |
|               |                   | NWSE 40.0 | SWSE 40.0             |
|               | 238.0 Acres Total |           |                       |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 48 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. 36-02408 IS ALSO DIVERTED THROUGH THE POINT OF  
DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 36-02408 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 3.8 CFS, A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 952 AF, AND TO THE IRRIGATION OF A  
COMBINED TOTAL OF 238 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 )  
 )  
Case No. 39576 )  
 )  
 )  
 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 36-10025

1998 APR 13 PM 4:17

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED \_\_\_\_\_

NAME & ADDRESS: MICHAEL S TELFORD  
RT 2 BOX 2568  
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 0.77 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02408 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 3.8 CFS AND A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 952 AF.

PRIORITY DATE: 05/31/1976

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: T06S R21E S21 SWSSEW Within LINCOLN County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY |
|-------------------------------|----------------|-------------------|----------|
|                               | IRRIGATION     | Irrigation Season | 0.77 CFS |

| PLACE OF USE: | IRRIGATION      | Within LINCOLN County |         |         |         |
|---------------|-----------------|-----------------------|---------|---------|---------|
|               | T06S R21E S21   | NESW 40               | NWSW 40 | SWSW 39 | SESW 39 |
|               |                 | NWSE 40               | SWSE 40 |         |         |
|               | 238 ACRES TOTAL |                       |         |         |         |

USE OF THIS RIGHT WITH RIGHT NO. 36-02408 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 238 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. 36-02408  
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