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Department of Water Resources

FILED
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	)	Water Right 34-00007A
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on January 21, 1998. 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, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, 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. On July 19, 1999, Roy E. Crawford filed an objection to general provision 3. On July 30, 1999, Matea H. McCray and John McCray filed an objection to season of use and general provision 3, but withdrew the objection on February 15, 2001. On May 9, 2001, an *Order of Partial Decree for General Provisions in Administrative Basin 34* was issued.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 05-01 TO 10-15

The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.

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 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 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 October 31, 2001.



ROGER 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)
Case No. 39576)
_____)

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

Water Right 34-00007A

2001 OCT 31 PM 2:41
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 31

NAME AND ADDRESS: LEON L & JUNE T WILLIAMS
RT 1 BOX 20
DARLINGTON, ID 83231

SOURCE: PASS CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 0.54 CFS

PRIORITY DATE: 02/03/1903

POINT OF DIVERSION: T07N R25E S26 NESW Within Butte 0001 County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 05-01 TO 10-15 0.54 CFS

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED
IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF
04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE
DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

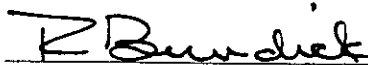
PLACE OF USE: Irrigation Within Butte 0001 County
T06N R26E S05 LOT 04 (SWSW) 60.0 LOT 05 (SESW) 35.0
S06 SESE 40.0
S07 NENE 38.0
S08 NENW 40.0
SWNW 40.0
SENW 40.0
NESW 13.0
NWSW 10.0
356.0 Acres Total

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.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT IN PARTIAL DECREE was mailed on October 31, 2001, with sufficient first-class postage to the following:

ROY E CRAWFORD
BROBECK, PHLEGER & HARRISON
ONE MARKET
SAN FRANCISCO, CA 94105
Phone: 415-442-1155

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

LEON L & JUNE T WILLIAMS
RT 1 BOX 20
DARLINGTON, ID 83231
Phone: 208-588-2239

MATEA H & JOHN MCCRAY
3470 COBBLESTONE LN
IDAHO FALLS, ID 83404
Phone: 208-526-0117

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 34-00007A

1998 JUN 21 PM 4: 52

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: LEON L WILLIAMS
JUNE T WILLIAMS
RT 1 BOX 20
DARLINGTON ID 83231

SOURCE: PASS CREEK

TRIBUTARY: BIG LOST RIVER

QUANTITY: 0.54 CFS

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Department of Water Resources

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.15 CFS.
COMBINED RIGHT NOS.: 34-00008A, 34-10634 AND 34-13581.

PRIORITY DATE: 02/03/1903

POINT OF DIVERSION: T07N R25E S26

NESW

Within BUTTE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
0.54 CFS

PLACE OF USE:

IRRIGATION

T06N R26E S05 Lot 4 (SWSW)60 Lot 5 (SESW)35
S06 SESE 40
S07 NENE 38
S08 NENW 40 NWNW 40 SWNW 40 SENW 40
NESW 13 NWSW 10

356 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 34-00008A, 34-10634 AND
34-13581 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
356 ACRES IN A SINGLE IRRIGATION SEASON.

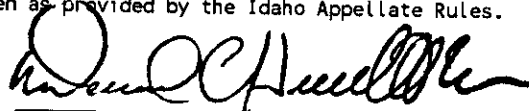
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 721.8 ACRES IN A SINGLE
IRRIGATION SEASON.

COMBINED RIGHT NOS.: 34-00018, 34-00019, 34-00020A, 34-00253B,
34-00569E, 34-00608B, 34-00609B, 34-02489, 34-00008A, 34-10634,
34-13851 AND 34-13852.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 27 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-00007A