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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**

	)	Water Right 34-02323C
In Re SRBA	)	
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, NUNC PRO TUNC

A *Partial Decree* was entered for the above-captioned irrigation water right on March 30, 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. No objections were filed to this *Supplemental Director's Report*.

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: 04-01 to 10-31

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

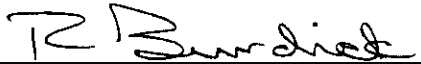
may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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: 2-11-02



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

Important Information About Your Water Right

February 7, 2002

Hintze Farms
PO Box 125
Mackay, ID 83251

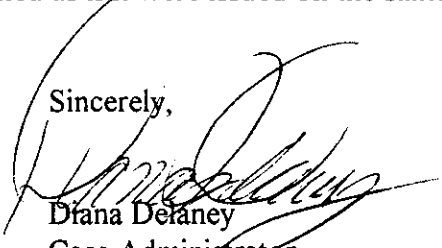
Dear Water Right Claimant(s):

Attached to this letter is a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 34-02323C. 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 30, 1998, 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 this 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 on the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

RECEIVED

APR - 1 1998

Department of Water Resources
Adjudication Bureau

1998 MAR 30 PM 4:34

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

) ORDER OF PARTIAL DECREE

) For Water Rights 34-02323C and 34-02323D

On December 29, 1997, an *Amended Director's Report* was filed for water right 34-02323A recommending that it be split and decreed as water rights 34-02323C and 34-02323D.

Therefore, IT IS ORDERED that water rights 34-02323C and 34-02323D are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED March 30, 1998.



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 34-02323C

1998 MAR 30 PM 4:34

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: HINTZE FARMS
PO BOX 125
MACKAY ID 83251

SOURCE: GROUNDWATER

QUANTITY: 2.85 CFS
630.7 AFY

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.26 CFS.
COMBINED WITH RIGHT NOS.: 34-00227E, 34-00637D, 34-00644C,
34-00909, 34-10685 AND 34-12360.

PRIORITY DATE: 02/11/1955

POINT OF DIVERSION: T07N R24E S27 SENWSE Within CUSTER County
S34 SENWNW (REDIVERSION)

WATER DIVERTED UNDER A PORTION OF THIS RIGHT IS EXCHANGED BY
INJECTING WATER DIVERTED UNDER THIS RIGHT INTO THE SWAUGER DITCH
AND DIVERTING AN EQUAL AMOUNT FROM THE BIG LOST RIVER AT THE
POINTS OF REDIVERSION DESCRIBED ABOVE.

WATER MAY BE REDIVERTED FROM THE BIG LOST RIVER ONLY WHEN
THERE IS CURRENT DEMAND FOR THE WATER INJECTED INTO THE SWAUGER
DITCH BY SWAUGER DITCH WATER USERS WITH CURRENTLY DELIVERABLE
PRIORITIES BELOW THE POINT OF INJECTION.

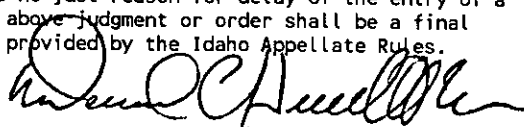
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	2.85 CFS 630.7 AFY

PLACE OF USE:	IRRIGATION	Within CUSTER County			
	T07N R24E S27	NESE 39.5	NWSE 16	SWSE 18	SESE 35
	S34	NENE 40	NWNE 17.5	SWNE 0.2	SESE 14
	180.2 ACRES TOTAL				

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 180.2 ACRES IN A SINGLE
IRRIGATION SEASON.
COMBINED WITH RIGHT NOS.: 34-00227E, 34-00637D, 34-00644C,
34-00909, 34-10685 AND 34-12360.

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 34-02323C