

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 34-13553

2001 MAY 29 AM 10:10

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: NO TELLUM CREEK RANCH LLC
4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE, CA 91362

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

RECEIVED
MAY 30 2001
Department of Water Resources

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1963

POINT OF DIVERSION: T08N R23E S30 NENESW Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Custer County
T08N R23E S30 NESW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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

RECEIVED

MAY 10 2001

Department of Water Resources

COPY

2001 MAY 14 AM 10:25

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

)

Water Rights: 34-443, 34-444,
34-445, 34-13554

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party BURGET - NO TELLUM CREEK RANCH LLC
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

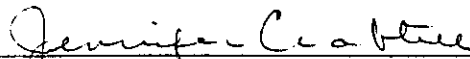
DATED: May 10, 2001

Erist Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 11th, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
DONALD BURGET
PO BOX 150
MACKAY ID 83251
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
NO TELLUM CREEK RANCH LLC
4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE CA 91362
4. One copy to:
Each party in the subcase, or attorney of record
N/A
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

05/08/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 34-443

NAME AND ADDRESS: NO TELLUM CREEK RANCH LLC
4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE CA 91362

SOURCE: PARSONS CREEK

TRIBUTARY: BIG LOST RIVER

QUANTITY: 3.200 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1882

POINT OF
DIVERSION:

T08N R23E S30 NWSW Within CUSTER County
T08N R23E S30 SWSW Within CUSTER County
T08N R23E S31 SWNE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	5/01 10/15	3.200 CFS
STOCKWATER	1/01 12/31	0.130 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 WATERMASTER FOR WATER DISTRICT 34.^^^

PLACE OF USE: IRRIGATION Within CUSTER County

T08N R23E S30	SWSE	40.0	T08N R23E S30	SESE	32.0
T08N R23E S31	NENE	40.0	T08N R23E S31	NWNE	40.0
T08N R23E S31	SWNE	40.0	T08N R23E S31	NENW	38.0
T08N R23E S31	SENW	40.0	T08N R23E S31	NWSE	40.0

STOCKWATER same as IRRIGATION

310 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 34-00444 AND 34-00445 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 310 ACRES IN A SINGLE IRRIGATION SEASON.^^^ THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. 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. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT NOS. 34-00444 AND 34-00445 ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.^^^ STOCKWATER, 600 CATTLE

05/08/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 34-444
NAME AND ADDRESS: NO TELLUM CREEK RANCH LLC
4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE CA 91362

SOURCE: PARSONS CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 06/01/1884

POINT OF
DIVERSION: T08N R23E S30 NWSW Within CUSTER County
T08N R23E S30 SWSW Within CUSTER County
T08N R23E S31 SWNE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	5/01 10/15	1.600 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 WATERMASTER FOR WATER DISTRICT 34.^^^		

PLACE OF USE: IRRIGATION Within CUSTER County

T08N R23E S30	SWSE	40.0	T08N R23E S30	SESE	32.0
T08N R23E S31	NENE	40.0	T08N R23E S31	NWNE	40.0
T08N R23E S31	SWNE	40.0	T08N R23E S31	NENW	38.0
T08N R23E S31	SENW	40.0	T08N R23E S31	NWSE	40.0

310 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NOS. 34-00443 AND 34-00445 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 310 ACRES IN A SINGLE IRRIGATION SEASON.^^^

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. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT NOS. 34-00443 AND 34-00445 ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.^^^

05/08/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 34-445

NAME AND ADDRESS: NO TELLUM CREEK RANCH LLC
4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE CA 91362

SOURCE: PARSONS CREEK

TRIBUTARY: BIG LOST RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 06/01/1887

POINT OF
DIVERSION:

T08N R23E S30 NWSW Within CUSTER County
T08N R23E S30 SWSW Within CUSTER County
T08N R23E S31 SWNE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	5/01 10/15	1.600 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 WATERMASTER FOR WATER DISTRICT 34.^^^

PLACE OF USE: IRRIGATION Within CUSTER County

T08N R23E S30	SWSE	40.0	T08N R23E S30	SESE	32.0
T08N R23E S31	NENE	40.0	T08N R23E S31	NWNE	40.0
T08N R23E S31	SWNE	40.0	T08N R23E S31	NENW	38.0
T08N R23E S31	SENW	40.0	T08N R23E S31	NWSE	40.0

310 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 34-00443 AND 34-00444 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 310 ACRES IN A SINGLE IRRIGATION SEASON.^^^

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. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT NOS. 34-00443 AND 34-00444 ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.^^^

05/08/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 34-13553

NAME AND ADDRESS: NO TELUM CREEK RANCH LLC
4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE CA 91362

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1963

POINT OF
DIVERSION:

T08N R23E S30 NENESW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01/01 12/31

QUANTITY
0.040 CFS

PLACE OF USE:

DOMESTIC Within CUSTER County
T08N R23E S30 NESW

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. SECTION
42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NO. RP08N23E300001.^^^

05/08/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 34-13554

NAME AND ADDRESS: NO TELLUM CREEK RANCH LLC
4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE CA 91362

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/13/1991

POINT OF
DIVERSION:

T08N R23E S30 NWSENE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01/01 12/31

QUANTITY
0.040 CFS

PLACE OF USE: DOMESTIC Within CUSTER County
T08N R23E S30 SENE

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. SECTION
42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use