

2002 FEB -7 AM 8:02

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 Right 34-10905                                                                                                                                                                                    |
|                | ) |                                                                                                                                                                                                         |
|                | ) |                                                                                                                                                                                                         |
| Case No. 39576 | ) | <b>ORDER AMENDING IRRIGATION PERIOD OF USE<br/>ELEMENT IN PARTIAL DECREE and<br/>INCORPORATING INTO PARTIAL DECREES AN<br/>EXPRESS STATEMENT REGARDING GENERAL<br/>PROVISIONS, <i>NUNC PRO TUNC</i></b> |
|                | ) |                                                                                                                                                                                                         |
|                | ) |                                                                                                                                                                                                         |

A *Partial Decree* was entered for the above-captioned irrigation water right on April 14, 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:                      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.

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: 2-5-02

  
\_\_\_\_\_  
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

4-14

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 34-10905

1998 APR 14 PM 2:35

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED \_\_\_\_\_

NAME & ADDRESS: J KEITH KING  
5891 S 2625 W  
ROY UT 84067

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

QUANTITY: 0.1 CFS

PRIORITY DATE: 06/01/1899

POINT OF DIVERSION: T05N R26E S04

NWSESE

Within BUTTE County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
Irrigation Season

QUANTITY  
0.1 CFS

PLACE OF USE: IRRIGATION  
T05N R26E S28  
2.5 ACRES TOTAL

Within BUTTE County  
NESE 2.5

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