

RECEIVED

NOV 26 1997

Department of Water Resources

11-24
1997 NOV 24 PM 3:07

DISTRICT COURT -
TWIN FALLS COUNTY
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

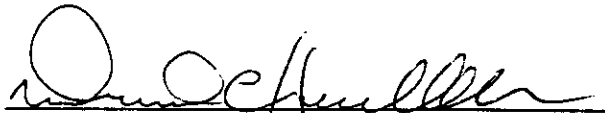
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 34-10400
_____	)	

On September 16, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 34-10400 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 24, 1997.



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 34-10400

1997 NOV 24 PM 3:46
DISTRICT COURT-5
TWIN FALLS, IDAHO

NAME & ADDRESS: SHANE D ROSENKRANCE
MIMI L G ROSENKRANCE
RT 1 BOX 25A
MACKAY ID 83251

SOURCE: ALDER CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 5.00 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.90 CFS.
COMBINED RIGHT NOS.: 34-00119E, 34-00317C, 34-00381C, 34-00680A,
34-00682B, 34-07090A, 34-10392 AND 34-10396.

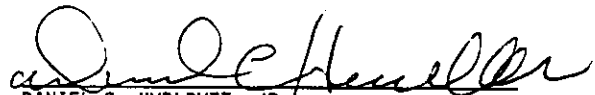
PRIORITY DATE: 05/01/1928

POINT OF DIVERSION: T06N R25E S07 LOT 3 (NWNWSW) Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	5.00 CFS

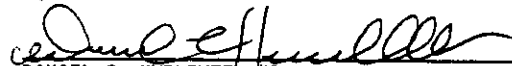
PLACE OF USE:	IRRIGATION	Within CUSTER County			
	T06N R25E S09	SWSW 18	SESW 15	SWSE 0.3	
	S16	NWNE 3.7	NENW 35	NWNW 29	SWNW 31
		NWSW 19	SWSW 37		
	S17	SENE 8.5	NESE 8.5	SESE 6	
	S20 Lot 1 (NENE) 4				
	S21 Lot 3 (NENW)28	Lot 4 (NWNW)25			
	268 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 268 ACRES IN A SINGLE
IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00119E, 34-00317C, 34-00381C, 34-00680A,
34-00682B, 34-07090A, 34-10392 AND 34-10396.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

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

RECEIVED

NOV 19 2001

2001 NOV 16 PM 2:22

Department of Water Resources

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

Subcase 34-10400

ORDER CORRECTING CLERICAL ERROR;
I.R.C.P. 60(a)

On November 2, 2001, an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating Into Partial Decrees an Express Statement Regarding General Provisions* ("Order Amending Irrigation Period") was issued for the above-captioned water right. Attached to the *Order Amending Irrigation Period* was a *Partial Decree* (also dated November 2, 2001) which the Clerk generated from the IWATRS computer system. This newly generated *Partial Decree* should not have been included and was in error.¹

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the *Partial Decree* entered on November 2, 2001 is stricken from the record in this subcase. Accordingly, the elements of this water right consists of those set forth in the original *Partial Decree* issued on November 24, 1997, as amended by the November 2, 2001, *Order Amending Irrigation Period*.

DATED: 11-16-01

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

¹ The newly generated *Partial Decree* did not include changes that were recommended by the Special Master pursuant to an SF-5.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER CORRECTING CLERICAL ERROR was mailed on November 16, 2001, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

SHANE D ROSENKRANCE
MIMI L ROSENKRANCE
5532 BARTON FLAT RD
MACKAY, ID 83251
Phone: 208-588-3086

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

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

SHANE D ROSENKRANCE
5532 BARTON FLAT RD
MACKAY, ID 83251
Phone: 208-588-3086

RECEIVED

NOV - 1 2001

2001 NOV -2 PM 4: 13

Director of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED KJ

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

	)	Water Right 34-10400
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 November 24, 1997. 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 30, 1999, Matea McCray filed an objection and on June 30, 2000, an *Order Dismissing the Objection* was filed.

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:

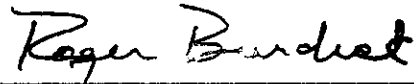
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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 November 2, 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)
_____)

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

2001 NOV -2 PM 4:13

Water Right 34-10400

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *28*

NAME AND ADDRESS: SHANE D ROSENKRANCE
MIMI L ROSENKRANCE
5532 BARTON FLAT RD
MACKAY, ID 83251

SOURCE: ALDER CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 5.00 CFS

PRIORITY DATE: 05/01/1928

POINT OF DIVERSION: T06N R25E S07 LOT 03 (NWNWSW) Within Custer 0001 County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	5.00 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 Custer	0001 County
	T06N R25E S09	SWSW 18.0	SESW 15.0	
		SWSE 0.3		
	S16	NWNE 3.7	NENW 35.0	
		NWNW 29.0	SWNW 31.0	
		NWSW 19.0	SWSW 37.0	
		SESW 4.0		
	S17	SENE 8.5	NESE 8.5	
		SESE 6.0		
	S20 LOT 01 (NENE)	4.0		
	S21 LOT 03 (NENW)	28.0	LOT 04 (NWNW)	25.0
	272.0 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 B. Erickson
Roger B. Erickson
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 November 02, 2001, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:

CLIVE STRONG

NATURAL RESOURCES

DEP AG OFFICE OF ATTY GEN

STATEHOUSE MAIL

BOISE, ID 83720-0010

Phone: 208-334-2400

USDI BLM

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

Phone: 208-387-0835

SHANE D ROSENKRANCE

MIMI L ROSENKRANCE

5532 BARTON FLAT RD

MACKAY, ID 83251

Phone: 208-588-3086

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

MATEA MCCRAY

3470 COBBLESTONE LN

IDAHO FALLS, ID 83404

Phone: 208-526-0117

SHANE D ROSENKRANCE

5532 BARTON FLAT RD

MACKAY, ID 83251

Phone: 208-588-3086