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IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERYDATE: 07/17/00
TIME: 08:30:19
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WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
36-02645	WILDING, C. H.	C	02/06/1958	L/	GROUNDWATER	IRR	WR
X36-02645			00/00/0000	/Z		IRR	WR
X36-02645A			00/00/0000	/Z		IRR	WR
X36-02645B	VAN BEEK, JOHN W	C	02/06/1958	D/	GROUNDWATER	STOCK	WR
						COMMER	
X36-02645C	VAN BEEK, JOHN W	C	02/06/1958	L/	GROUNDWATER	IRR	WR
X36-02645D	VAN BEEK, JOHN W	C	02/06/1958	L/	GROUNDWATER	STOCK	WR

36-02645	VAN BEEK, JOHN W	C	02/06/1958	D/	GROUNDWATER	P DECR	AJ
A36-02645	VAN BEEK, JOHN W	C	02/06/1958	L/	GROUNDWATER	IRR	AJ
R36-02645	VAN BEEK, JOHN W	C	02/06/1958	D/	GROUNDWATER	P DECR	AJ

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEXDATE: 07/17/00
PAGE: 1

WATER RIGHT NUMBER	NAME	CFS

X36-02645	RIGHT SPLIT INTO PARTS A & B THRU APPROVED TRANSFER 5503.	
X36-02645A	RIGHT SPLIT INTO PARTS C (5505) & D (5504) BY APPROVED TRANSFERS.	
X36-02645B	VAN BEEK , JOHN W	0.17
X36-02645C	VAN BEEK , JOHN W	1.24
X36-02645D	VAN BEEK , JOHN W	0.09

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5505
WATER RIGHT NO. 36-02645C

This is to certify that: **JOHN W VAN BEEK**
213 W 400 S
JEROME ID 83338

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	1.24 CFS	79.6 AF

SOURCE

GROUNDWATER

Priority: 02/06/1958

LOCATION OF POINT(S) OF DIVERSION: NESENE , Sec. 10, Township 09S, Range 16E
JEROME County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	16E	3	NESW 35	NWSW 40	SWSW 37	152
			SESW 40			
		10	NWNE 35	SWNE 23	SENE 36	
			NENW 40	NWNW 36	SWNW 39	
			SENE 40	NESE 34	NWSE 39	
			SWSE 19	SESE 27		368
Total number of acres irrigated:						520 *

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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TRANSFER NO. 5505
WATER RIGHT NO. 36-02645C

CONDITIONS OF APPROVAL AND REMARKS

3. Use of Right 36-02645C is combined with water from North Side Canal Co. Ltd.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- * 9. Right 36-02645C is limited to the irrigation of 99.2 acres in the place of use described above in a single irrigation season.

Dated this 17th day of July, 2000.


Chief, Water Allocation Bureau

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NOV 08 2000

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

December 12, 2001

RECEIVED

DEC 14 2001

John W Van Beek
213 W 400 S
Jerome, ID 83338

Department of Water Resources

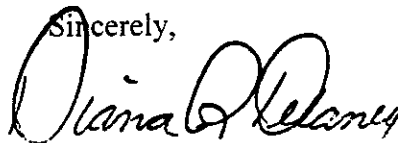
Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc** (hereinafter "**Order**") for water right number 36-02645. 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 January 15, 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

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 36-02645
	)	
	)	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 15, 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 3, IDWR Basin 36, 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: 03-15 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

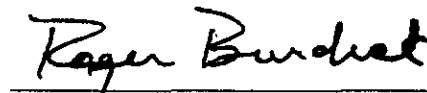
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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 December 12, 2001.

A handwritten signature in black ink, reading "Roger Burdick", is written over a horizontal line.

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
Water Right 36-02645

1993 JUL 15 AM 11:29

NAME & ADDRESS: JOHN W VAN BEEK
213 W 400 S
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 1.5 CFS
480.0 AFY

PRIORITY DATE: 02/06/1958

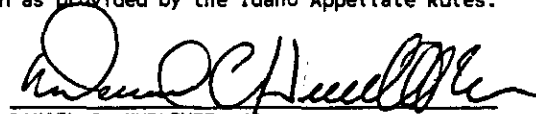
POINT OF DIVERSION: T09S R16E S10 NESENE Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	1.5 CFS 480.0 AFY

PLACE OF USE:	IRRIGATION	Within JEROME County			
	T09S R16E S10	SWNE 40	SENE 40	NESE 20	NWSE 20
	120 ACRES TOTAL				

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2645C

WATER RIGHT NUMBER: 36-2645C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN W VAN BEEK 213 W 400 S JEROME, ID 83338 (208)324-8904

Priority Date: 02/06/1958

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.240 CFS	79.60 AF
	<u>Total Diversion:</u>	1.240 CFS	79.60 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4NE1/4	Sec. 10, Twp 09S, Rge 16E, B.M.
JEROME County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	16E	3									35.0	40.0	37.0	40.0					152.0
09S	16E	10													35.0	23.0	36.0	40.0	368.0

Total Acres: 520

Conditions of Approval:

1. C18 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.
2. S17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.

Remarks:

1. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 99.2 ACRES WITHIN THE PLACE OF USE
- Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2645C

2. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT36-2645A.

Comments:

1. vhancock 11/16/2001 TRANS 5504, 5505

Comment: TRANSFER 5503 SPLIT 36-2645 INTO PARTS A (IRRIGATION) AND B (COMMERCIAL AND STOCKWATER). TRANSFER 5504 SPLIT 36-2645A INTO PARTS C (IRRIGATION) AND D (STOCKWATER). TRANSFER 5505 CREATED A PPU FOR 36-2645C.

Dates and Other Information:

Licensed Date:

Decreed Date: 12/12/2001

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits: