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FEB 26 1999

Department of Water Resources

REC'D FEB 24 PM 3:36
DISTRICT 1 SRBA
TWIN FALLS IDAHO

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

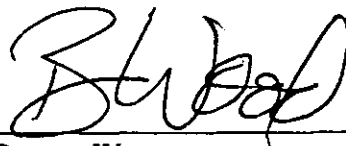
In Re SRBA	)	AMENDED ORDER OF PARTIAL DECREE
	)	<i>NUNC PRO TUNC</i>
Case No. 39576	)	
	)	For Water Right 36-02603A

The *Partial Decree* entered on August 18, 1998, incorrectly denoted the source of the above water right as "springs." This definition was not consistent with the *Special Master's Report and Recommendation* (November 12, 1997), which recommended the source as "groundwater." The change of source from "springs" to "groundwater" was inadvertently not completed prior to the issuance of the *Partial Decree*.

This order and attached *Amended Partial Decree* are entered *nunc pro tunc* and supercede the *Order of Partial Decree* and attached *Partial Decree* entered August 18, 1998.

Therefore, IT IS ORDERED that water right 36-02603A is hereby **decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 2-24-99.



BARRY WOOD
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

AMENDED ORDER OF PARTIAL DECREE

MICROFILMED

SEP 14 2003

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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)
_____)

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02603A

1999 FEB 24 PM 3:36

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO

NAME AND ADDRESS: CITY OF TWIN FALLS
P.O. BOX 1907
TWIN FALLS, ID 83303-1907

SOURCE: GROUNDWATER

QUANTITY: 45.00 CFS

THE TOTAL COMBINED RATE OF DIVERSION UNDER RIGHT NOS.
36-02603A, 36-02646 AND 36-07239 SHALL NOT EXCEED 52.47 CFS.

PRIORITY DATE: 04/17/1964

POINT OF DIVERSION: T09S R17E S28 LOT 11 (SENE) Within Jerome County
LOT 11 (NESE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	45.00 CFS

PLACE OF USE: Municipal Same as Other Use

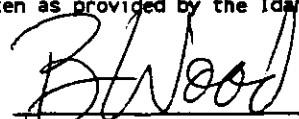
PLACE OF USE IS LOCATED WITHIN THE CITY LIMITS OF TWIN FALLS
AND THE SURROUNDING SERVICE AREA.

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

RIGHT NO. 36-02646 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

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.


Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

1999 FEB 24 PM 02:00
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-02603A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-02603A was mailed
on February 24, 1999, with sufficient first-class postage prepaid
to the following:

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

Thomas Robertson
Coleman Ritchie & Robertson
PO Box 525
Twin Falls, ID 83303-0525

CITY OF TWIN FALLS
Represented by:
JACQUELINE S. WAKEFIELD
PO BOX 1812
TWIN FALLS, ID 83303-1812
Phone: 208-732-8811

LAND & WATER FUND OF THE
Represented by:
LAIRD LUCAS
LAND & WATER FUND OF ROCKIES
P.O. BOX 1612
BOISE, ID 83701
Phone: 208-342-7024

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
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AUG 21 1998

Department of Water Resources

8-18
1998 AUG 18 AM 9:29

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

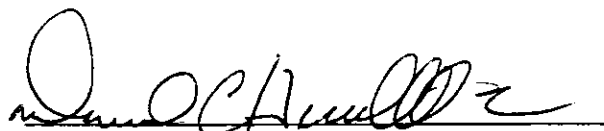
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 36-02603A
_____	)	

On November 12, 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 36-02603A is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED AUG 18 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

1998 AUG 18 AM 9:29

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02603A

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO

NAME AND ADDRESS: CITY OF TWIN FALLS
P.O. BOX 1907
TWIN FALLS, ID 83303-1907

SOURCE: SPRINGS

QUANTITY: 45.00 CFS

USE OF THIS RIGHT AND RIGHT NOS. 36-02646 AND 36-07239 ARE
LIMITED TO A TOTAL COMBINED DIVERSION OF 52.47 CFS.

PRIORITY DATE: 04/17/1964

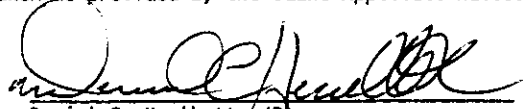
POINT OF DIVERSION: T09S R17E S28 LOT 11 (SWSE) Within Jerome County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	45.00 CFS

PLACE OF USE: Municipal Same as Other Use
PLACE OF USE WITHIN CITY LIMITS & VICINITY OF TWIN FALLS.

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

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1998 AUG 18 PM 02:00
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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 36-02603A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
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on August 18, 1998, with sufficient first-class postage prepaid
to the following:

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

LAND & WATER FUND OF THE
Represented by:
LAIRD LUCAS
LAND & WATER FUND OF ROCKIES
P.O. BOX 1612
BOISE, ID 83701
Phone: 208-342-7024

CITY OF TWIN FALLS
P.O. BOX 1907
TWIN FALLS, ID 83303-1907

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

MICROFILMED

AUG 14 2001

PAGE 1
08/18/98

rom: DWR60::AMERRITT 16-JUN-1998 13:58:57.16
o: DWR03::RBROWN
C: AMERRITT
ubj: "R" RECORDS FOR CITY OF TWIN FALLS BASIN 36 RIGHTS

AM PREPARING A RESPONSE TO A LETTER WRITTEN TO THE DIRECTOR. IN DOING SO
HAVE REVIEWED THE RECENT "R" RECORDS FOR THE CITY OF TWIN FALLS:

36-02603A 45.00 CFS
36-02646 7.47 CFS

THESE TWO RIGHTS ORIGINALLY WERE RECOMMENDED OUT OF SPRINGS TRIBUTARY TO
LPHEUS CREEK. AT THIS SAME POINT OF DIVERSION RIGHT MC COLLUM UNDER RIGHT
6-07239 (6.00 CFS) DIVERTED WATER FOR HIS USE ACROSS THE RIVER. ALL THREE
OF THESE RIGHTS USED THE SAME PIPELINE AND WERE LIMITED TO 52.47 CFS
(CAPACITY OF THE PIPELINE). WHAT THE DEAL WAS, MC COLLUM USED THE CITIES
EXCESS CAPACITY UNTIL THE CITY CALLED FOR THE NEED.

FEW YEARS AGO DUE TO DRINKING WATER STANDARDS OF EPA THE CITY TRANSFERRED
THEIR RIGHTS OUT OF THE SPRING UP TO SOME WELLS DEVELOPED AT THE HEAD OF
BLUE LAKES. THIS WAS DONE UNDER TRANSFER 4066. AT THIS SAME TIME I
UNDERSTAND THE CITY DISCONNECTED THE ORIGINAL SPRINGS FROM THEIR SYSTEM. TO MY
KNOWLEDGE THIS LEFT MC COLLUM OUT OF THE CITIES SYSTEM. I CALLED THE CITY
TODAY AND CONFIRMED THIS WITH MIKE SCHROEDER WITH THE WATER DEPT. MIKE
INDICATED THAT MC COLLUM HAS SINCE PUT IN HIS OWN PIPELINE CROSSING THE
RIVER AND CONTINUES TO DIVERT AT THE OLD SPRING SITE.

I GUESS I'M TELLING YOU ALL THIS BECAUSE I THINK YOU NEED TO MODIFY THE EXP
IN THE CITIES "R" RECORDS TO REFLECT THAT 36-07239 IS NOT DIVERTED AT THE
CITIES PRESENT POINT OF DIVERSION.

From: DWR03::RBROWN 17-JUN-1998 07:36:49.69
To: DWR60::AMERRITT
CC:
Subj: RE: "R" RECORDS FOR CITY OF TWIN FALLS BASIN 36 RIGHTS

Thanks for the "heads up", Allen...I'll look into it. Some of the R-records hav
and may be signed by now...If that has happened, I will at least memo our files

Also, I didn't get a chance to talk with you about Banbury pipeline. You did a
now amended their claims to include every use imaginable (wildlife, aesthetics,
but would appreciate talking to you about what you saw back when...

36-02603A

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State of Idaho

JAN 29 1974

Department of Water Administration

Department of Water Administration
Southern District Office

LICENSE OF WATER RIGHT

License of Water Right No. 32030/36-2603A Priority April 17, 1964 Amount 45.0 cfs
(PART)

THIS IS TO CERTIFY, that the City of Twin Falls, Idaho
of Twin Falls, Idaho, has complied with the terms and conditions of Permit
No. 32030/36-2603A issued pursuant to Application for Permit dated April 17, 1964,
(PART)
and has submitted proof to the Department of Water Administration on July 1, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 52.47 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Alpheus Creek
tributary of the Snake River, is hereby confirmed in the following amounts:

Amount 45.0 cfs for Municipal from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 45.0 cfs of water be diverted at
any one time, said waters to be diverted within ~~the~~ _____

Lot 11 of Sec. 28, Twp. 9 S, Rge. 17 E, B.M.

in the county of Jerome; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used ~~and shall not exceed~~ _____ ~~and not to exceed~~ _____

~~and not to exceed~~Description and location of place of use: City of Twin Falls & Vicinity.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres irrigated

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21st day ofMay, 19 73.

Director