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MAY 23 2002

Department of Water Resources

2002 MAY 22 PM 3:45

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

)

Subcase 36-15355

Case No. 39576

)

ORDER OF AMENDED PARTIAL DECREE

On April 13, 1998, a *Partial Decree* was issued for the above-captioned water right. However, due to oversight and omission of the Clerk of the Court, the *Partial Decree* was not entered in the Court's register of action (IWATRS). As a result of this error, a duplicative *Partial Decree* was issued on January 2, 2002. The Court has carefully examined the two *Partial Decrees* and finds that neither of them are complete with respect to the remarks contained therein. This discrepancy apparently resulted from the water right having been reported by the Idaho Department of Water Resources in two separate *Director's Reports*, one having been filed on November 2, 1992, and the other on September 19, 1997. (The irrigation period of use for the water right was also reported in the *Supplemental Director's Report* filed August 2, 1999). No objections were filed to either of the *Director's Reports*. Therefore, the Court finds it necessary to issue an *Amended Partial Decree* which contains all of the remarks as reported in the aforementioned *Director's Reports*.

Therefore, IT IS ORDERED that the *Partial Decrees* previously issued for water right 36-15355 are replaced and superceded by the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-15355*.

DATED:

*May 22 2002*

*Roger Burdick*

ROGER S. 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

**AMENDED**

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 36-15355

2002 MAY 22 PM 3:45

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: A K & PHYLLIS HANCHETT  
RT 1 BOX 1218  
PAUL, ID 83347

SOURCE: GROUNDWATER

QUANTITY: 0.40 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-7128 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 1.4 CFS AND A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 556 AF.

PRIORITY DATE: 03/23/1971

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A  
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED  
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS  
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION  
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR  
RIGHT.

POINT OF DIVERSION: T09S R22E S12 NESWNE Within Minidoka County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.40 CFS |

| PLACE OF USE: | Irrigation        | Within Minidoka County |
|---------------|-------------------|------------------------|
|               | T09S R22E S01     | NWSW 17.0              |
|               | S12               | NENE 16.0              |
|               |                   | NWNE 35.0              |
|               |                   | SWNE 39.0              |
|               |                   | SENE 22.0              |
|               |                   | NENW 10.0              |
|               | 139.0 Acres Total |                        |

USE OF THIS RIGHT WITH RIGHT NO. 36-7128 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 139 ACRES IN A SINGLE  
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 35 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-7128  
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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*

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Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

2002 MAY 22 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): 36-15355

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 36-15355 was mailed  
on May 22, 2002, with sufficient first-class postage prepaid  
to the following:

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

A K & PHYLLIS HANCHETT  
RT 1 BOX 1218  
PAUL, ID 83347  
Phone: 208-438-5965

DIANA DELANEY  
Chief Deputy Clerk