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Department of Water Resources

2002 MAY 22 PM 3:44

DISTRICT COURT-SRBA
TWIN FALLS CO., 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

)

) Subcase 36-15215

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Therefore, IT IS ORDERED that the *Partial Decrees* previously issued for water right 36-15215 are replaced and superceded by the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-15215*.

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-15215

2002 MAY 22 PM 3:44
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: WEST ONE BANK IDAHO NA
C/O TRUSTEE GLENN TRAIL EST
PO BOX 509
TWIN FALLS, ID 83303-0509

SOURCE: GROUNDWATER

QUANTITY: 1.10 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 36-7145, 36-7146, 36-7147
AND 36-7528 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
9.03 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2436 AF.

PRIORITY DATE: 03/15/1972

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: T07S R16E S32 SENENW Within Jerome County
SWSESW
NWNWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.10 CFS

PLACE OF USE:	Irrigation	Within Jerome County
T07S R16E S32	NENE 37.0	NWNE 37.0
	SWNE 39.0	SENE 36.0
	NENW 38.0	NWNW 35.0
	SWNW 40.0	SENW 39.0
	NESW 39.0	NWSW 38.0
	SWSW 39.0	SESW 40.0
	NESE 37.0	NWSE 39.0
	SWSE 39.0	SESE 37.0
	609.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NOS. 36-7145, 36-7146, 36-7147
AND 36-7528 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
609 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 74 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 NOS. 36-7145,
36-7146, 36-7147 AND 36-7528, 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

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): 36-15215

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 36-15215 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

WEST ONE BANK IDAHO NA
C/O TRUSTEE GLENN TRAIL EST
PO BOX 509
TWIN FALLS, ID 83303-0509
Phone: 208-737-5020

DIANA DELANEY
Chief Deputy Clerk