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Department of Water Resources

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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

Case No. 39576

Subcase 36-11867, 36-15552, 36-15553

**ORDER REGARDING DUPLICATIVE  
PARTIAL DECREES**

On April 13, 1998, a *Partial Decree* was issued for the water right 36-11867, a copy of which is attached hereto. 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). On November 17, 2000, the Idaho Department of Water Resources (IDWR) file a *Notice of Completed Administrative Proceeding* which, among other things, split water right 36-11867 into 36-15552 and 36-15553. On January 16, 2001, this Court issued *Partial Decrees* for water rights 36-15552 and 36-15553, and a *Final Order Disallowing Water Right Claim 36-11867*.

Therefore, IT IS ORDERED that the *Partial Decrees* for water rights 36-15552 and 36-15553, and the *Final Order Disallowing Water Right Claim 36-11867*, all dated January 16, 2001, shall be deemed to be an amendment of, and shall replace and supercede the *Partial Decree* dated April 13, 1998. This order is being entered *nunc pro tunc* as of January 16, 2001, and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred after that date.

DATED: 5-9-02

  
\_\_\_\_\_  
ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER REGARDING  
DUPLICATIVE PARTIAL DECREES was mailed on May 13, 2002, with  
sufficient first-class postage to the following:

MAGIC VALLEY FOODS INC  
MAGIC VALLEY FOODS-FARM  
PO BOX 475  
RUPERT, ID 83350  
Phone: 208-436-3126

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

ORDER

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FILE COPY FOR 01189

  
Deputy Clerk

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 36-11867

1189  
1998 APR 13 PM 4:17

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED \_\_\_\_\_

NAME & ADDRESS: MAGIC VALLEY FOODS-FARM  
PO BOX 475  
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.92 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02250 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 4.32 CFS AND A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 1204 AF.

PRIORITY DATE: 03/15/1974

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: T08S R23E S18 LOT 1 (SEWNNE)

Within MINIDOKA County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY |
|-------------------------------|----------------|-------------------|----------|
|                               | IRRIGATION     | Irrigation Season | 0.92 CFS |

| PLACE OF USE: | IRRIGATION      | Within MINIDOKA County |                |                |
|---------------|-----------------|------------------------|----------------|----------------|
|               | T08S R23E S07   | NESE 37                | Lot 3 (NWSE)36 | Lot 4 (SWSE)41 |
|               | S18             | NENE 37                | Lot 1 (NWNE)43 | Lot 2 (SWNE)35 |
|               | 301 ACRES TOTAL |                        |                |                |
|               |                 |                        |                | SESE 36        |
|               |                 |                        |                | SENE 36        |

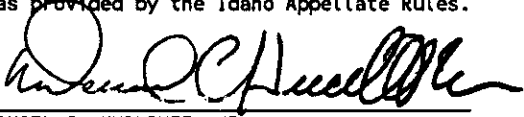
USE OF THIS RIGHT WITH RIGHT NO. 36-02250 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 301 ACRES IN A SINGLE  
IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT  
NO. 36-02250 PURSUANT TO SECTION 42-1426, IDAHO CODE.

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