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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 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

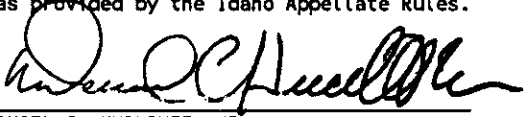
USE OF THIS RIGHT WITH RIGHT NO. 36-02250 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 301 ACRES IN A SINGLE
IRRIGATION SEASON.

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