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Department of Water Resources

2002 MAY -6 AM 8: 57

DISTRICT COURT-SRBA

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 57-07458

Case No. 39576

)
) ORDER REGARDING DUPLICATIVE
) PARTIAL DECREE
)

On April 13, 1998, a *Partial Decree* was issued for the above-captioned water right, 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). As a result of this error, a duplicative *Partial Decree* was issued on December 5, 2001. The Court has carefully compared the two partial decrees and finds them to be identical with the exception that the duplicative *Partial Decree* contains a standard clause regarding general provisions.

Therefore, IT IS ORDERED that the duplicative *Partial Decree* dated December 5, 2001, shall be deemed to be an *Amended Partial Decree* which shall replace and supercede the *Partial Decree* dated April 13, 1998.

This order is being entered *nunc pro tunc* as of December 5, 2001, and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Amended Partial Decree*.

DATED: 5-4-02



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

724

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 57-07458

1998 APR 13 PM 12:34

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: JOYCE E SCHERMERHORN
RON D SCHERMERHORN
HC 79 BOX 130F
MELBA ID 83641

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS
3.7 AFY

PRIORITY DATE: 11/17/1986

POINT OF DIVERSION: T01N R03W S16 LOT 2 (NWSW) Within OWYHEE County

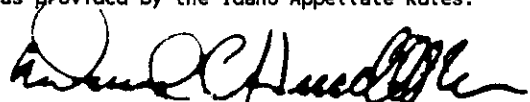
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	RECREATION	01-01 12-31	0.04 CFS
	RECREATION STORAGE	01-01 12-31	3.7 AFY
			1.4 AFY

RECREATION USE IS FOR FISH & GAME POND.

PLACE OF USE: RECREATION Within OWYHEE County
T01N R03W S16 Lot 2 (NWSW)
RECREATION STORAGE Within OWYHEE County
T01N R03W S16 Lot 2 (NWSW)

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER REGARDING
DUPLICATIVE PARTIAL DECREE FOR WATER RIGHT 57-07458 was mailed
on May 06, 2002, with sufficient first-class postage to the
following:

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

JOYCE E SCHERMERHORN
RON D SCHERMERHORN
HC 79 BOX 130F
MELBA, ID 83641

ORDER

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Deputy Clerk

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

2001 DEC -5 AM 11:09

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-07458

FILED 12
DISTRICT COURT OF SRBA
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: JOYCE E SCHERMERHORN
RON D SCHERMERHORN
HC 79 BOX 130F
MELBA, ID 83641

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS
3.70 AFY

PRIORITY DATE: 11/17/1986

POINT OF DIVERSION: T01N R03W S16 LOT 02 (NWSW) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Recreation	01-01 TO 12-31	0.04 CFS
			3.70 AFY
	Recreation Storage	01-01 TO 12-31	1.40 AFY

RECREATION USE IS FOR FISH & GAME POND.

PLACE OF USE:	Recreation	Within Owyhee County
	T01N R03W S16 LOT 02 (NWSW)	
	Recreation Storage	Within Owyhee County
	T01N R03W S16 LOT 02 (NWSW)	

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

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE FOR WATER RIGHT 57-07458 was mailed on December 05, 2001, with sufficient first-class postage to the following:

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

JOYCE E SCHERMERHORN
RON D SCHERMERHORN
HC 79 BOX 130F
MELBA, ID 83641