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MAY 29 2002

2002 MAY 28 PM 4: 40

Department of Water Resources

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

Case No. 39576

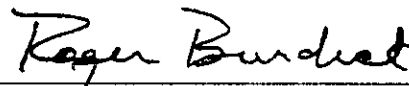
)
) ORDER OF PARTIAL DECREE
)
) For Water Right 36-04075
)

On April 3, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 36-04075 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED May 28, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

SCANNED
MAY 29 2002
1

AMENDED

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

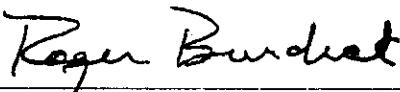
PAGE 1
Apr-03-2002

OTHER PROVISIONS (continued)

POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION.
THE RIGHT HOLDER SHALL USE THE AVAILABLE ALLOTMENT OF APPURTENANT SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUNDWATER DIVERTED UNDER THIS RIGHT.
THIS RIGHT SHALL NOT BE USED IF THE SURFACE WATER RIGHTS APPURTENANT TO THE PLACE OF USE ARE SOLD, TRANSFERRED, LEASED OR USED ON ANY OTHER PLACE OF USE DUE TO THE VOLUNTARY ACTIONS OF THE CITY OF RUPERT.
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
Presiding Judge of the
Snake River Basin Adjudication

2002 MAY 28 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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-04075

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 36-04075 was mailed
on May 28, 2002, with sufficient first-class postage prepaid
to the following:

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

CITY OF RUPERT
Represented by:
JOSEPHINE P. BEEMAN
409 WEST JEFFERSON STREET
BOISE, ID 83702
Phone: 208-331-0950

ROBBIN GLATZ
Chief Deputy Clerk

NOV 17 1997
CLERK OF DISTRICT COURT
TWIN FALLS, 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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 36-04075
	)	

On November 6, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 36-04075 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 2, 1998.



DANIEL C. HURLBUTT, JR.
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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-04075

FILED - 2 11 1997

DISTRICT COURT
TWIN FALLS, IDAHO

FILED - 2 11 1997

NAME & ADDRESS: CITY OF RUPERT
PO BOX 426
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 27.00 CFS

PRIORITY DATE: 12/31/1955

POINT OF DIVERSION: T09S R24E S20

Within MINIDOKA County

SENWNE
SESENE
NESESW
SWSESW
SESESW
NENWSE
SWNWSE
SENWSE
SWSE
SESWSE
NESESE
S21 SWSWNW
SESENW
S28 SWNWNW
SWSWNW
S29 NENENE
NWNENE
SENENE
NWNW
SWNE
NWSWNE
SWSWNE
SWSENE
NENENW
SWNENW
NWSENW
NENESE
NENWSE
SWNWSE
SENWSE
SENWSE
NWESE
SESESE

TWO POINTS OF DIVERSION LOCATED IN T09S, R24E, S20, NESESW.
TWO POINTS OF DIVERSION LOCATED IN T09S, R24E, S29, SENWSE.
TWO POINTS OF DIVERSION LOCATED IN T09S, R24E, S24 SENWSE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
04-01 10-31

QUANTITY
27.00 CFS

PLACE OF USE:

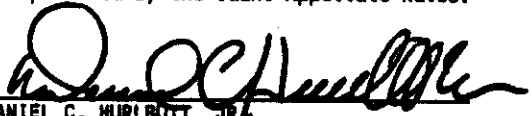
PLACE OF USE IS WITHIN THE CITY LIMITS OF RUPERT.

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-04075

PAGE 1
DEC-5-1997

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

1998 JAN 02 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): 36-04075

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 36-04075 was mailed
on January 02, 1998, with sufficient first-class postage prepaid
to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

US DEPARTMENT OF JUSTICE
Represented by:
DAVID HARDER
U.S. DEPARTMENT OF JUSTICE
550 W FORT STREET BOX 033
BOISE, ID 83724
Phone: 202-272-5749

CERTIFICATE OF MAILING

PAGE 1
01/02/98

CITY OF POCATELLO

CITY OF RUPERT

Represented by:

JOSEPHINE P. BEEMAN

BEEMAN & HOFSTETTER

608 WEST FRANKLIN STREET

PO BOX 1427

BOISE, ID 83701-1427

Phone: 208-388-8900

DIANA DELANEY

Chief Deputy Clerk

2001 MAR 19 PM 12:09

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

Case No. 39576

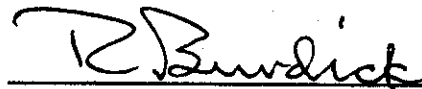
) Subcase 36-04075
)
)
)
)
)

**ORDER RESCINDING PARTIAL DECREE;
I.R.C.P. 60(a) and ORDER OF REFERENCE
TO SPECIAL MASTER DOLAN**

On November 5, 1997, Special Master Dolan entered a *Special Master's Report and Recommendation* for the above water right. On December 24, 1997, Beeman & Hofstetter, counsel of record for the Claimant City of Rupert, filed a *Motion to Alter or Amend*. Before the *Motion to Alter or Amend* was decided, an *Order of Partial Decree* was erroneously entered on January 2, 1998. The *Motion to Alter or Amend* was timely filed, therefore, IT IS ORDERED that the *Partial Decree* entered January 2, 1998, is hereby rescinded. The subcase is remanded back to Special Master Dolan for a ruling on the *Motion to Alter or Amend*.

IT IS SO ORDERED.

DATED: March 19, 2001.



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF MAILING

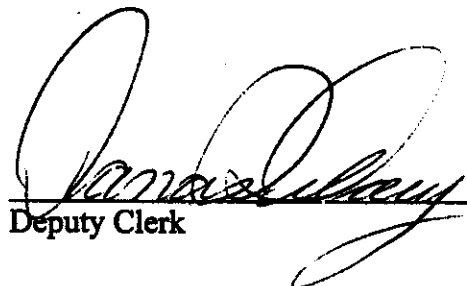
I certify that a true and correct copy of the **ORDER RESCINDING PARTIAL DECREE; I.R.C.P. 60(a) and ORDER OF REFERENCE TO SPECIAL MASTER DOLAN** was mailed on March 19, 2001, with sufficient first-class postage to the following:

Josephine P. Beeman
Beeman & Hofstetter
PO Box 1427
Boise, Id 83701-1427

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Deputy Clerk