

2001 MAR -8 PM 4: 08

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

) Subcase 36-15487
)

Case No. 39576

) ORDER SETTING ASIDE PARTIAL
) DECREE, I.R.C.P. 60(a)
_____)

On June 20, 1995, claimant Marilyn L. (Moller) Andrew filed a *Standard Form 4, Motion to File Late Notice of Claim*. Following hearing on the matter, this Court entered an *Order Granting Motion to File Late Notice of Claim* and the claim was forwarded to the Idaho Department of Water Resources for investigation and a director's recommendation.

In late 1997, IDWR submitted to the court proposed partial decrees for uncontested water rights in Basin 36 which IDWR considered ready to be decreed by the Court. IDWR's submission included water right 36-15487, and on December 4, 1997, this court entered a *Partial Decree* for this water right. This *Partial Decree* was entered in error. Under I.R.C.P. §§ 42-1409-1412, the court shall enter a decree only after IDWR has reported its recommendation for that claim in a Director's Report on file with the court and parties to the SRBA have been given an opportunity to file objections to that recommendation. The Director of IDWR has not yet filed a recommendation for water right claim 36-15487 with the court.

Therefore, IT IS ORDERED, that the *Partial Decree* entered for water right 36-15487 is set aside.

IT IS SO ORDERED.

DATED: March 8, 2001



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

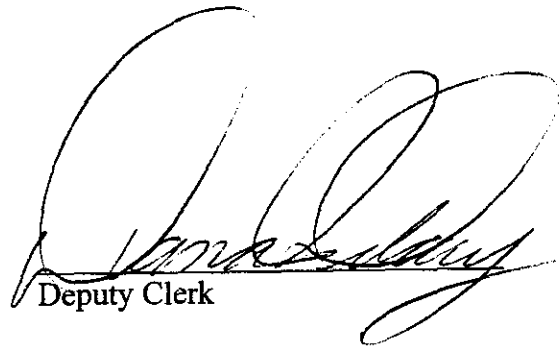
I certify that a true and correct copy of the **ORDER SETTING ASIDE PARTIAL DECREE, I.R.C.P. 60(a)** was mailed on March __, 2001, with sufficient first-class postage to the following:

Marilyn L. (Moller) Andrew
Route 5, Box 5260
Rupert, ID 83350

IDWR Document Depository
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

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 36-15487

FILED
TWIN FALLS
NOV 20 1997
CLERK OF DISTRICT COURT

NAME & ADDRESS: MARILYN L (MOLLER) ANDREW
RT 5 BOX 5260
156 W BASELINE
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 07/12/1966

POINT OF DIVERSION: T09S R24E S19 SESW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

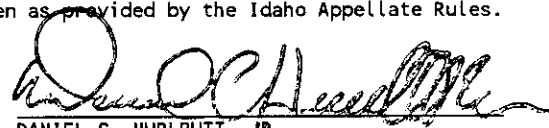
PLACE OF USE: DOMESTIC Within MINIDOKA County
T09S R24E S19 SESW



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

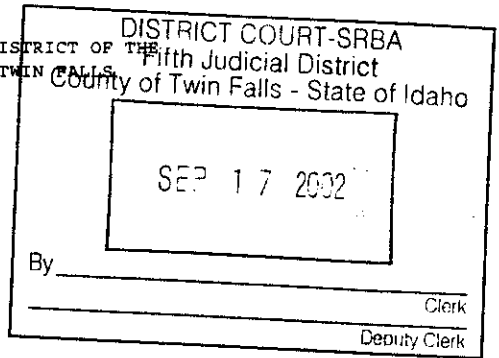
RULE 54(b) CERTIFICATE

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

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 36-15487

NAME AND ADDRESS: MARILYN ANDREW
ROUTE 5 BOX 5260
156 W BASELINE
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/12/1966

POINT OF DIVERSION: T09S R24E S19 SESW Within Minidoka County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Minidoka County
T09S R24E S19 SESW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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