

RECEIVED

MAY 23 2002

Department of Water Resources

2002 MAY 22 PM 3: 56

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 36-15234

ORDER OF AMENDED PARTIAL DECREE

On April 13, 1998, a *Partial Decree* was issued for the above-captioned water right. 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 January 2, 2002. The Court has carefully examined the two *Partial Decrees* and finds that neither of them are complete with respect to the remarks contained therein. This discrepancy apparently resulted from the water right having been reported by the Idaho Department of Water Resources in two separate *Director's Reports*, one having been filed on November 2, 1992, and the other on September 19, 1997. (The irrigation period of use for the water right was also reported in the *Supplemental Director's Report* filed August 2, 1999). No objections were filed to either of the *Director's Reports*. Therefore, the Court finds it necessary to issue an *Amended Partial Decree* which contains all of the remarks as reported in the aforementioned *Director's Reports*.

Therefore, IT IS ORDERED that the *Partial Decrees* previously issued for water right 36-15234 are replaced and superceded by the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-15234*.

DATED

May 22, 2002

Roger Burdick

ROGER S. BURDICK

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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

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

Water Right 36-15234

2002 MAY 22 PM 3: 56

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

NAME AND ADDRESS: RUSTIC AG INC
P.O. BOX 539
PAUL, ID 83347

SOURCE: GROUNDWATER

QUANTITY: 1.14 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 36-2479A, 36-7476B AND
36-2480 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.5 CFS
AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4384 AF.

PRIORITY DATE: 03/15/1971

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 R22E S09 NENWNE Within Minidoka County
NWNWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.14 CFS

PLACE OF USE:	Irrigation		Within Minidoka County
	T08S R22E S03	NESW 40.0	NWSW 30.0
		SWSW 40.0	SESW 40.0
	S08	NESE 39.0	NWSE 40.0
		SWSE 40.0	SESE 39.0
	S09	NENE 38.0	NWNE 39.0
		SWNE 40.0	SENE 39.0
		NENW 39.0	NWNW 38.0
		SWNW 38.0	SENW 40.0
		NESW 40.0	NWSW 39.0
		SWSW 40.0	SESW 40.0
		NESE 39.0	NWSE 40.0
		SWSE 40.0	SESE 39.0
	S17	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
	1096.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NOS. 36-2479A, 36-7476B AND
36-2480 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
1096 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITH THE
PLACE OF USE DESCRIBED ABOVE 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
NOS. 36-2479A AND 36-2480 PURSUANT TO SECTION 42-1426, IDAHO
CODE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

OTHER PROVISIONS (continued)

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

2002 MAY 22 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): 36-15234

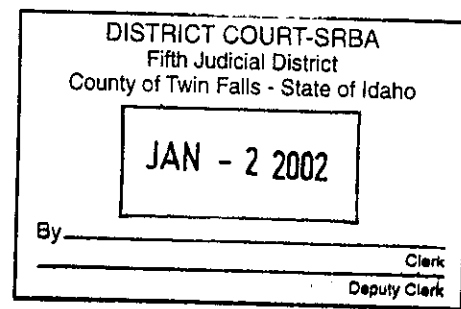
CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-15234 was mailed
on May 22, 2002, with sufficient first-class postage prepaid
to the following:

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

RUSTIC AG INC
P.O. BOX 539
PAUL, ID 83347
Phone: 208-438-8764

DIANA DELANEY
Chief 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

ORDER OF PARTIAL DECREE

For Water Right 36-15234

On November 2, 1992, the Idaho Department of Water Resources (IDWR) filed its *Director's Report, Part 1, For Reporting Area 3 (Basin 36)*, which included a recommendation for the above water right. No objections to this recommendation were filed and the time period for filing objections has now expired.

On August 2, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigation District v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions* which included a recommendation for the irrigation season of use for this water right. No objections to this Supplemental Report were filed and the time period for filing objections has now expired.

Therefore, IT IS ORDERED that water right 36-15234 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

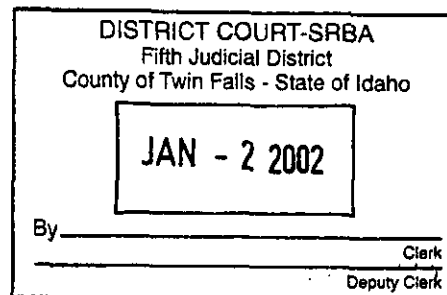
DATED January 2, 2002.

A handwritten signature in cursive script, reading 'Roger S. Burdick'.

ROGER S. BURDICK
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 36-15234



NAME AND ADDRESS: RUSTIC AG INC
P.O. BOX 539
PAUL, ID 83347

SOURCE: GROUNDWATER

QUANTITY: 1.14 CFS

PRIORITY DATE: 03/15/1971

POINT OF DIVERSION: T08S R22E S09 NENWNE Within Minidoka County
NWNWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.14 CFS

PLACE OF USE:	Irrigation	Within Minidoka County
T08S R22E S03	NESW 40.0	NWSW 30.0
	SWSW 40.0	SESW 40.0
S08	NESE 39.0	NWSE 40.0
	SWSE 40.0	SESE 39.0
S09	NENE 38.0	NWNE 39.0
	SWNE 40.0	SENE 39.0
	NENW 39.0	NWNW 38.0
	SWNW 38.0	SENW 40.0
	NESW 40.0	NWSW 39.0
	SWSW 40.0	SESW 40.0
	NESE 39.0	NWSE 40.0
	SWSE 40.0	SESE 39.0
S17	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	1096.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-02479A, 36-07476B, & 36-02480.

USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 12.5 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 4384 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 1096 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

2002 JAN -2 PM 4:06

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-15234

FILED
JAN -2 2002
TWIN FALLS, IDAHO

NAME AND ADDRESS: RUSTIC AG INC
P.O. BOX 539
PAUL, ID 83347

SOURCE: GROUNDWATER

QUANTITY: 1.14 CFS

PRIORITY DATE: 03/15/1971

POINT OF DIVERSION: T08S R22E S09 NENWNE Within Minidoka County
NWNWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.14 CFS

PLACE OF USE:	Irrigation	Within Minidoka County
T08S R22E S03	NESW 40.0	NWSW 30.0
	SWSW 40.0	SESW 40.0
S08	NESE 39.0	NWSE 40.0
	SWSE 40.0	SESE 39.0
S09	NENE 38.0	NWNE 39.0
	SWNE 40.0	SENE 39.0
	NENW 39.0	NWNW 38.0
	SWNW 38.0	SENW 40.0
	NESW 40.0	NWSW 39.0
	SWSW 40.0	SESW 40.0
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	SWNE 40.0	SENE 40.0
1096.0 Acres Total		

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

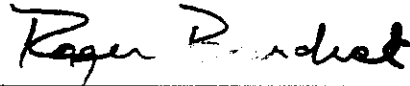
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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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 36-15234

1998 APR 13 PM 4:18

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: RUSTIC AG INC
PO BOX 539
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 1.14 CFS

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CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4384 AF.

PRIORITY DATE: 03/15/1971

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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 R22E S09 NENWNE Within MINIDOKA County
NWNWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.14 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T08S R22E S03	NESW 40	NWSW 30	SWSW 40	SESW 40
	S08	NESE 39	NWSE 40	SWSE 40	SESE 39
	S09	NENE 38	NWNE 39	SWNE 40	SENE 39
		NENW 39	NWNW 38	SWNW 38	SENW 40
		NESW 40	NWSW 39	SWSW 40	SESW 40
		NESE 39	NWSE 40	SWSE 40	SESE 39
	S17	NENE 40	NWNE 40	SWNE 40	SENE 40
	1096 ACRES TOTAL				

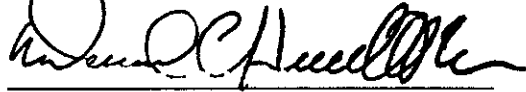
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IDAHO CODE.

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