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Department of Water Resources

2002 MAY -6 AM 8: 57

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

) Subcase 36-15077

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 January 2, 2002. The Court has carefully compared the two partial decrees and finds them to be identical with the exception that the duplicative *Partial Decree* contains the following: 1) a change of address for the claimant pursuant to a *Notice of Completed Administrative Proceedings* filed by the Idaho Department of Water Resources (IDWR) on November 4, 1999; 2) a specific irrigation period of use as recommended in the *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*, filed by IDWR on August 2, 1999; and, 3) a standard clause regarding general provisions.

Therefore, IT IS ORDERED that the duplicative *Partial Decree* dated January 2, 2002, 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 January 2, 2002, 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

1177

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 36-15077

1998 APR 13 PM 4:17

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: FRANK VEENSTRA
2729A S 1600 E
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 0.91 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02532 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.56 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 794 AF.

PRIORITY DATE: 04/01/1982

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: T07S R14E S25 NESWNE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.91 CFS

PLACE OF USE:	IRRIGATION	Within GOODING County			
	T07S R14E S25	SWNE 38.5	NENW 40	SENE 40	NESW 40
		NWSE 40			
	198.5 ACRES TOTAL				

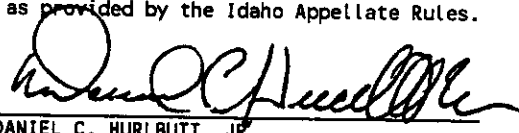
USE OF THIS RIGHT WITH RIGHT NO. 36-02532 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 198.5 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 36-02532 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

CERTIFICATE OF MAILING

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

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

FRANK VEENSTRA
2675 S 1300 E
HAGERMAN, ID 83332
Phone: 208-837-4432

ORDER

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FILE COPY FOR 01177


Deputy Clerk

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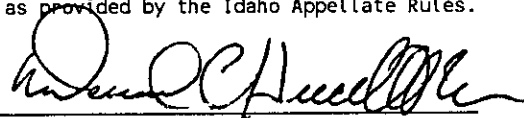
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DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
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