

RECEIVED

MAY 14 2002

Department of Water Resources

2002 MAY 13 PM 2:34

DISTRICT COURT-SRBA
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

) Subcase 36-10082, 36-10082A, 36-10082B

Case No. 39576

)
) ORDER REGARDING DUPLICATIVE
) PARTIAL DECREES
)

On April 13, 1998, a *Partial Decree* was issued for the water right 36-10082, 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). On April 6, 2001, the Idaho Department of Water Resources (IDWR) file a *Notice of Completed Administrative Proceeding* which, among other things, split water right 36-10082 into 36-10082A and 36-10082B. On January 2, 2002, this Court issued *Partial Decrees* for water rights 36-10082A and 36-10082B, and a *Final Order Disallowing Water Right Claim 36-10082*.

Therefore, IT IS ORDERED that the *Partial Decrees* for water rights 36-10082A and 36-10082B, and the *Final Order Disallowing Water Right Claim 36-10082*, all dated January 2, 2002, shall be deemed to be an amendment of, and 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 after that date.

DATED: 5-9-02



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER REGARDING
DUPLICATIVE PARTIAL DECREES 36-10082 was mailed on May 13, 2002,
with sufficient first-class postage to the following:

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

ALICE RUTH DE KRUYF
CALVIN DE KRUYF
MARK DE KRUYF
303 W 300 S
JEROME, ID 83338

ORDER

Page 1 5/13/02

FILE COPY FOR 01342


Deputy Clerk

1342

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 36-10082

1998 APR 13 PM 4:17

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: JANSS FARMS
PO BOX 99
BLISS ID 83314

SOURCE: GROUNDWATER

QUANTITY: 0.27 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02474 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.70 CFS AND A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 832 AF.

PRIORITY DATE: 03/15/1976

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 R16E S28 SENWSE Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.27 CFS

PLACE OF USE:	IRRIGATION	Within JEROME County		
	T08S R16E S28	NESW 33	SESW 39	NESE 21
		SWSE 39	SESE 36	NWSE 40
	208 ACRES TOTAL			

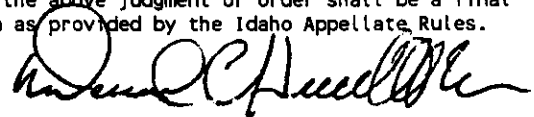
USE OF THIS RIGHT WITH RIGHT NO. 36-02474 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 208 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 36-02474 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

2002 JAN -2 PM 4:06
TWIN FALLS, 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 Rights 36-10082A and 36-10082B

On April 6, 2001, the Idaho Department of Water Resources filed an *Amended Director's Report* recommending that water right claim 36-10082 be split and decreed as 36-10082A and 36-10082B. No objection was filed to this *Amended Director's Report* and the time for filing objections has expired.

Therefore, IT IS ORDERED that water rights 36-10082A and 36-10082B are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED January 2, 2002.



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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-10082A

2002 JUN -2 PM 4:06

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: ALICE RUTH DE KRUYF
CALVIN DE KRUYF
303 W 300 S
JEROME, ID 83338

SOURCE: GROUNDWATER

QUANTITY: 0.21 CFS

USE OF THIS RIGHT WITH RIGH 36-02474A IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.11 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 650.8 AF.

PRIORITY DATE: 03/15/1976

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 R16E S28 SENWSE Within Jerome County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.21 CFS

PLACE OF USE:	Irrigation	Within Jerome County
	T08S R16E S28	NESW 33.0 SESW 39.0 NESE 11.7 NWSE 40.0 SWSE 39.0
	162.7 Acres Total	

USE OF THIS RIGHT WITH RIGHT 36-02474A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 162.7 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS WATER RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 36-02474A 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
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