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2002 JUL 15 PM 4: 52

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	)	ORDER RESCINDING FINAL ORDER
	)	DISALLOWING WATER RIGHT CLAIM and
Case No. 39576	)	ORDER OF PARTIAL DECREE
_____	)	
	)	For Water Right 35-2253B

On March 8, 2002, this court entered a *Final Order Disallowing Water Right Claim* for water right 36-2253B. That *Order* was entered in error.

On November 27, 2001, Special Master Terrence A. Dolan entered a *Special Master Report* and *Recommendation* listing the recommended elements for water right 35-2253B. No challenges were filed to the *Special Master Report* and *Recommendation*. IDWR did not file any amended director's report recommending that this right be disallowed.

THEREFORE IT IS ORDERED that the *Final Order Disallowing Water Right Claim* for water right 35-2253B is **rescinded**.

IT IS FURTHER ORDERED that 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 Report* and wholly adopts them as its own. Water right 35-2253B is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

IT IS SO ORDERED.

Dated July 15, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

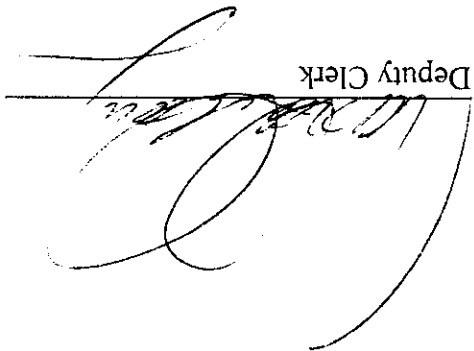
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER RESCINDING FINAL ORDER DISALLOWING WATER RIGHT CLAIM and ORDER OF PARTIAL DECREE** was mailed on July 15, 2002, with sufficient first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Karen M Phillips
1851 W 600 N
Blackfoot, ID 83221

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 35-02253B

2002 JUL 15 PM 4:52

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

NAME AND ADDRESS: KAREN M PHILLIPS
1851 W 600 N
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

QUANTITY: 4.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-07171 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.67 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1252 AF.

PRIORITY DATE: 09/15/1952

POINT OF DIVERSION: T02S R32E S01 LOT 3 (SENEW) Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.00 CFS

PLACE OF USE:	Irrigation		Within Bingham County
	T02S R32E S01 LOT 1 (NENE) 39.0	LOT 2 (NWNE) 40.0	
	SWNE 39.0	SENE 39.0	
	LOT 3 (NENW) 38.0	LOT 4 (NWNW) 39.0	
	SWNW 39.0	SENW 40.0	
	313.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 35-07171 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 313 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 MAR -8 PM 3:04
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

Case No. 39576

)
)
)
)
**FINAL ORDER DISALLOWING WATER
RIGHT CLAIM**

For Water Right 35-02253B

On November 13, 2001, 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.

On December 3, 2001, the Idaho Department of Water Resources filed an *Amended Director's Report* recommending that the above water right claim be split and decreed as 35-13345 and 35-13346. No objection was filed to this *Amended Director's Report* and the time for filing objections has expired.

THEREFORE IT IS ORDERED AND ADJUDGED that water right claim 35-02253B is hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled

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.

DATED March 8, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

2002 MAR 08 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): 35-02311E

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 35-02311E was mailed
on March 08, 2002, with sufficient first-class postage prepaid
to the following:

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

TOM CHRISTENSEN
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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