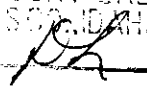


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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED 

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	)	Subcase: 55- 10319A
	)	
Case No. 39576	)	SPECIAL MASTER'S
	)	RECOMMENDATION TO AMEND
	)	PARTIAL DECREE
_____	)	

On August 19, 1999, Special Master Haemmerle issued a *Special Master's Report* which included *Findings of Fact and Conclusions of Law* for this subcase and its companion split subcase 55-10319B. His recommendation was to follow the agreement reached by the parties and memorialized with an SF5 filed with the SRBA Court on May 5, 1999. However, due to a clerical error, the recommended partial decree for subcase 55 - 10319A indicated a quantity element of 0.04 cfs versus 0.40 cfs contained in the SF5.

NOW THEREFORE, pursuant to Rule 60 (a) I.R.C.P. it is recommended that the partial decree in subcase 55 -10319A issued on October 8, 1999, be set aside and in its stead a new partial decree be issued with a quantity element of 0.40 cfs. It is further recommended that all other elements of such new partial decree should remain as originally recommended and ordered.

DATED April 4, 2000.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of ORDER AMENDING PARTIAL DECREE RECOMMENDATION was mailed on April 5, 2000, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

U.S. Dept of Justice
Environment & Natural Resources Div.
550 W Fort St., MSC 033
Boise, ID 83724

Charles L. Honsinger, Esq.
Ringert Clark, Chtd
PO Box 2773
Boise, ID 83701-2773


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	)	AMENDED
	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Right Number 55-10319A

NAME & ADDRESS: PETAN COMPANY OF NEVADA INC.
TUSCARORA, NV. 89834

SOURCE: UNNAMED STREAMS TRIBUTARY: JUNIPER CREEK

QUANTITY: 0.40 CFS
3600.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 55-10319B IS LIMITED TO A TOTAL COMBINED
ANNUAL VOLUME OF 26.8 AF FOR STOCKWATER FROM STORAGE.
USE OF THIS RIGHT WITH RIGHT NO. 55-02027 IS LIMITED TO A TOTAL COMBINED
ANNUAL VOLUME OF 775 AF FOR IRRIGATION FROM STORAGE.

FACILITY VOLUME 5000 AF.

PRIORITY DATE: 07/01/1923

POINT OF DIVERSION: T16S R01W S04 SESW Within OWYHEE County
SWSE

THE STORAGE OF WATER UNDER THIS RIGHT IS IN THE JUNIPER BASIN RESERVOIR
LOCATED IN:

T16S R01W S04	SESW	SWSE	SESE
S08	NESE	SESE	
S09	NENE	NWNE	SWNE
	SENE	NENW	NWNW
	SWNW	SENW	NESW
	NWSW	SWSW	SESW
	NESE	NWSE	
S10	NWNW	SWNW	NWSW
S16	NENW	NWNW	SWNW
	NWSW	SWSW	
S17	NENE	SWNE	SENE
	NESW	SWSW	SESW
	NESE	NWSE	SWSE
	SESE		
S20	NENE	NENW	NWNW
S21	NWNW		

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION STORAGE	01-01 TO 12-31	3200.00 AFY
	STOCKWATER STORAGE	01-01 TO 12-31	400.00 AFY
	STOCKWATER FROM STORAGE	01-01 TO 12-31	26.80 AFY
	STOCKWATER	01-01 TO 12-31	.04 CFS
	IRRIGATION FROM STORAGE	04-01 TO 10-31	775.00 AFY

PLACE OF USE: IRRIGATION FROM STORAGE Within OWYHEE County

T15S R01W S32	NENE 14	NWNE 35
	SWNE 35	SENE 30
	NESE 32	NWSE 9

155 Acres Total

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
FOR WATER RIGHT 55-10319A
G:\55MRR\10319A.REC

USE OF THIS RIGHT WITH RIGHT NO. 55-02027 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 155 ACRES IN A SINGLE IRRIGATION SEASON.

STOCKWATER	Within OWYHEE COUNTY	
T16S R01W S16	NENW SWNW SWSW	NWNW NWSW
STOCKWATER FROM STORAGE		
T15S R01W S32	NENE SWNE NESE	NWNE SENE NWSE
T16S R01W S16	NENW SWNW SWSW	NWNW NWSW

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

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

THE FOLLOWING WATER RIGHT FROM THE FOLLOWING SOURCE OF WATER IN BASIN 55 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 55:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 55 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 55 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

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 appeal may be taken as provided by the Idaho Appellate Rules.

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

