

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
2004 JAN 29 PM 1 55

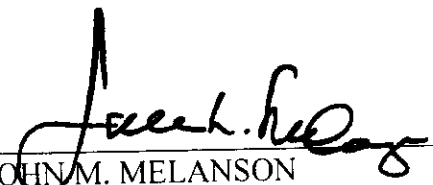
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER OF AMENDED PARTIAL DECREE
	)	TO CORRECT CLERICAL ERRORS; I.R.C.P.
Case No. 39576	)	60(a)
_____	)	For Water Right 35-07025

On February 25, 2002, a *Partial Decree* was issued for the above-captioned water right. On September 4, 2003, the Court was notified by the Idaho Department of Water Resources about possible clerical errors in this *Partial Decree*. After reviewing the *Director's Report* filed for the above-captioned water right, and reviewing the *Notice of Completed Administrative Proceeding* filed with the Court on September 19, 2002, contained in the subcase file, the Court determined there were clerical errors made in describing the Place of Use element in the *Partial Decree*, to wit: The Place of Use element contains duplicate legal descriptions and corresponding acreage.

Therefore, IT IS ORDERED that water right 35-07025 is hereby **decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decree* is replaced and superseded thereby.

DATED January 29, 2004.



JOHN M. MELANSON
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

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

AMENDED

2004 JAN 29 PM 1 55

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 35-07025

NAME AND ADDRESS: TOPHILL FARMS INC
PO BOX 99
LEWISVILLE, ID 83431

SOURCE: GROUNDWATER

QUANTITY: 1.60 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-02861 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.96 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 2955 AF.

PRIORITY DATE: 05/14/1968

POINT OF DIVERSION: T03N R36E S02 NWSW Within Bonneville County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-15	1.60 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PORVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE MAY 1 AND AFTER OCTOBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE
DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation		Within Bonneville County
	T03N R36E S02 LOT 1	(NENE) 37.0	LOT 2 (NWNE) 37.0
		SWNE 40.0	SENE 40.0
	LOT 3	(NENW) 37.0	LOT 4 (NWNW) 37.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		NESE 40.0	NWSE 40.0
			Within Jefferson County
	T04N R36E S03 LOT 1	(NENE) 37.0	SENE 15.0
		NESE 29.0	
	S34	NESE 4.0	SESE 40.0
	S35	NESW 4.0	NWSW 4.0
		SWSW 40.0	SESW 40.0
		NESE 4.0	NWSE 4.0
		SWSE 40.0	SESE 40.0
	769.0 Acres Total		

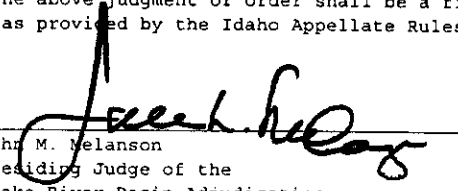
USE OF THIS RIGHT WITH RIGHT NO. 35-02861 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 769 ACRES IN A SINGLE
IRRIGATION SEASON.

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2004 JAN 29 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): 35-07025

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 35-07025 was mailed
on January 29, 2004, with sufficient first-class postage prepaid
to the following:

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

ABERDEEN-AMERICAN FALL GROUND
ABERDEEN-AMERICAN FALLS GROUND
BINGHAM GROUND WATER DIST.
BINGHAM GROUND WATER DISTRICT
TOPHILL FARMS INC
UPPER VALLEY IRRIGATORS ASSOC
UPPER VALLEY IRRIGATORS ASSOC.

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

FREMONT-MADISON IRR DIST
Represented by:
JERRY R. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

CERTIFICATE OF MAILING

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

JULIE MURPHY
Chief Deputy Clerk