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DEPARTMENT OF
WATER RESOURCES

2004 AUG -2 AM 11:02
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *MM*

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

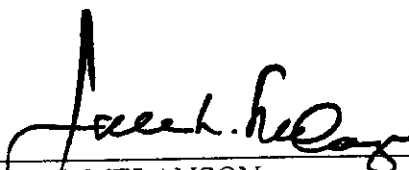
) SUBCASE NO. 63-23126

) ORDER OF AMENDED PARTIAL DECREE
) TO CORRECT CLERICAL ERROR;
) I.R.C.P. 60(a)
)

On April 7, 2000, a *Partial Decree* was issued for the above-captioned water right. On January 12, 2004, this Court received correspondence from the claimant, Velma Marchbanks, regarding an incorrect legal description in the *Director's Report*. The matter was referred to a Special Master on January 15, 2004. The Special Master issued a *Special Master's Report and Recommendation* on June 11, 2004, recommending setting aside and amending the *Partial Decree*. This Court has reviewed the findings of fact and conclusions of law contained in the *Special Master's Report and Recommendation* and adopts them wholly as its own.

Therefore, IT IS ORDERED that water right 63-23126 be amended as set forth in the attached *Amended Partial Decree* pursuant to I.R.C.P. 60(a). The previously issued *Partial Decree* is superseded thereby.

DATED August 2, 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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-23126

2001 AUG -2 AM 11:02
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *mt*

NAME AND ADDRESS: J A MARCHBANKS
VELMA MARCHBANKS
19664 PURPLE SAGE RD
CALDWELL, ID 83605

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/30/1922

POINT OF DIVERSION: T05N R03W S31 NWNW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Domestic Within Canyon County
T05N R03W S31 NWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR was mailed on August 02, 2004, with sufficient first-class postage to the following:

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

J A MARCHBANKS
VELMA MARCHBANKS
19664 PURPLE SAGE RD
CALDWELL, ID 83605
Phone: 208-459-2783

ORDER

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Deputy Clerk