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Department of Water Resources

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

2003 JAN 24 PM 2 12

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

) For water right: 63-21471
)
) ORDER RESCINDING PARTIAL
) DECREE ISSUED ON MAY 16, 2001
) AND CONFIRMING PARTIAL
) DECREE ISSUED OCTOBER 18, 2002
)

This matter came before the Court pursuant to the Court's own *Notice of Intent to Rescind Partial Decree Where Successive Partial Decrees Were Issued for Same Water Right I.R.C.P. 60(a)*, for water right 63-21471. A hearing was held on the *Motion* on January 21, 2003, wherein the Court explained that two *Partial Decrees* were issued in error for the same water right and expressed its intent to rescind the May 6, 2001, *Partial Decree*. No party appeared in opposition to the Court's *Motion*. THEREFORE, based on the foregoing, and pursuant to I.R.C.P. 60(a):

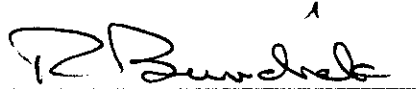
IT IS ORDERED that the *Partial Decree* issued on May 6, 2001, for water right 63-21471 is hereby **rescinded** and shall not be confirmed in any final decree entered in SRBA, Case No. 39576, in whatever form that decree may take or be styled.

IT IS FURTHER ORDERED that the *Partial Decree* issued for water right 63-21471 on October 18, 2002, is hereby confirmed and shall constitute the final judgment for the elements of water right 63-21471.

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: January 24, 2003

A handwritten signature in black ink, appearing to read "R. Burdick", is written over a horizontal line.

ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the this **ORDER RESCINDING PARTIAL DECREE ISSUED ON MAY 16, 2001 AND CONFIRMING PARTIAL DECREE ISSUED OCTOBER 18, 2002** was mailed on January 24, 2003, with sufficient first-class postage to the following:

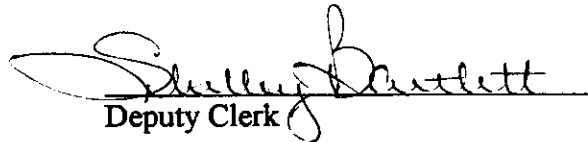
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Deputy Clerk