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MAY 30 2002

Department of Water Resources

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: 36-02646
)
) **MOTION FOR RELIEF**
) **FROM CLERICAL ERRORS**
) **IN PARTIAL DECREE PURSUANT**
) **TO I.R.C.P. 60(a), OR IN THE**
) **ALTERNATIVE I.R.C.P. 60(b)**

COMES NOW, the City of Twin Falls, by and through its attorneys, the firm of Wonderlich & Wakefield, and hereby moves the Court pursuant to I.R.C.P. 60(a), or in the alternative I.R.C.P. 60(b), to correct the following errors in the PARTIAL DECREE dated January 8, 2002:

1. Change the "SOURCE" in the decree from SPRINGS to GROUNDWATER; and
2. Change the "POINT OF DIVERSION" in the decree from LOT 11 (SWSE) to SENE, NESE; and,
3. Change the PLACE OF USE to "Place of Use is located within the city limits of Twin Falls and the surrounding service area."

The requested changes are consistent with the certified copies of the records of the Idaho Department of Water Resources attached hereto as Exhibit A.

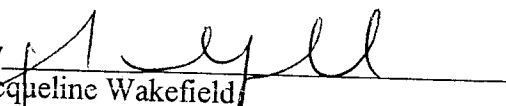
This motion is made on the grounds and for the reasons that the errors were due to clerical neglect or oversight, or in the alternative due to mistake, inadvertence or excusable neglect and the

Partial Decree should accurately reflect the characteristics of the right as set forth in the records of the Idaho Department of Water Resources.

ORAL ARGUMENT IS NOT REQUESTED.

DATED this 29th day of May, 2002.

WONDERLICH & WAKEFIELD

By 
Jacqueline Wakefield
Attorneys for the City of Twin Falls, Idaho

CERTIFICATE OF SERVICE

I, the undersigned, certify that on the 29 day of May, 2002, I caused a true and correct copy of the **MOTION FOR RELIEF FROM PARTIAL DECREE PURSUANT TO I.R.C.P. 60(a), OR IN THE ALTERNATIVE I.R.C.P. 60(b)** to be forwarded with all required charges prepaid, by the method(s) indicated below, to the following person(s):

IDWR
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Hand Deliver _____
U.S. Mail ☒ _____
Fax _____

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Hand Deliver _____
U.S. Mail ☒ _____
Fax _____

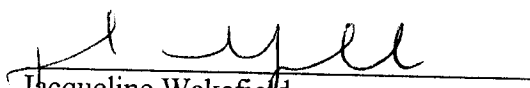

Jacqueline Wakefield

EXHIBIT A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 4066
WATER RIGHT NO(S). 36-02603A/36-02646

This is to certify that: CITY OF TWIN FALLS
PO BOX 1907
TWIN FALLS ID 833031907

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

RECEIVED

OCT 10 1993

Department of Water Resources
Southern Region Office

BENEFICIAL USE

PERIOD OF USE

DIVERSION
RATE

Right No. 36-02603A :

MUNICIPAL

01/01 to 12/31

45.00 CFS

Priority: 04/17/1964

Right No. 36-02646 :

MUNICIPAL

01/01 to 12/31

7.47 CFS

Priority: 03/29/1966

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 28, Township 09S, Range 17E
NESE , Sec. 28, Township 09S, Range 17E
JEROME County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
2. The change approved by this transfer is subject to the terms of the court's final decree of this right in the ongoing Snake River Basin Adjudication.
3. Place of use is located within the city limits of Twin Falls and the surrounding service area.
4. The total combined rate of diversion under Right Nos. 36-02603A, 36-02646 and 36-07239 shall not exceed 52.47 cfs.
5. Use of Right No. 36-02603A when combined with Right Nos. 36-02646, 36-02361, 47-02373, 47-11815 and 47-11817, is limited to a total combined annual consumptive use volume of 8,500 af.

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 8th day of May

2002

19

AMENDED

TRANSFER NO. 4066
WATER RIGHT NO(S). 36-02603A/36-02646

AMENDED

CONDITIONS/REMARKS:

6. Use of Right No. 36-02646 when combined with Right Nos. 36-02603A, 36-02361, 47-02373, 47-11815 and 47-11817, is limited to a total combined annual consumptive use volume of 4,091 af.
9. Transfer No. 4066 results in changing the source of Right Nos. 36-02603A and 36-02646 from springs to groundwater.

Dated this 12th day of October, 1993.

J. Glen Saylor
Chief, Water Alloc. Bureau

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 8th day of May, 2002

R. D. Smith

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED

TRANSFER NO. 4066
WATER RIGHT NO(S). 36-02603A/36-02646
JUL 19 1993
Department of Water Resources
Southern Region Office

This is to certify that: CITY OF TWIN FALLS
PO BOX 1907
TWIN FALLS ID 833031907

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 36-02603A :		
MUNICIPAL	01/01 to 12/31	45.00 CFS
Priority: 04/17/1964		
Right No. 36-02646 :		
MUNICIPAL	01/01 to 12/31	7.47 CFS
Priority: 03/29/1966		

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 28, Township 09S, Range 17E
NESE , Sec. 28, Township 09S, Range 17E
JEROME County

CONDITIONS/REMARKS:

1. Place of use is located within the city limits of Twin Falls.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. The change approved by this transfer is subject to the terms of the court's final decree of this right in the ongoing Snake River Basin Adjudication.
4. The total combined rate of diversion under these rights and Right No. 36-07239 shall not exceed 52.47 cfs.
5. Use of Right No. 36-02603A when combined with Right Nos. 36-02646, 36-02361, 47-02373, 47-11815 and 47-11817, is limited to a total combined annual consumptive use volume of 8,500 af.
6. Use of Right No. 36-02646 when combined with Right Nos. 36-02603A, 36-02361, 47-02373, 47-11815 and 47-11817, is limited to a total combined annual volume of 4,091 af.

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 8th day of May, 1993

[Signature]

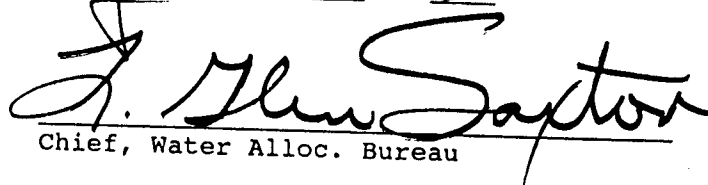
1-# 4066
26-02603A 36-02646

TRANSFER NO. 4066
WATER RIGHT NO(S). 36-02603A/36-02646

CONDITIONS/REMARKS:

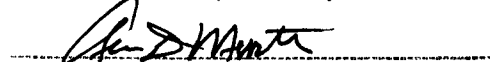
7. This transfer results in changing the source of these rights from springs to groundwater.

Dated this 7th day of July, 1993


Chief, Water Alloc. Bureau

The foregoing is a true and certified copy
of the document on file at the department
of Water Resources.

Signed this 8th day of May, 192002



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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: 36-02646
	)	
Case No. 39576	)	ORDER
	)	
_____	)	

This matter came on before the Court on the City's Motion for Relief from Clerical Errors in Partial Decree. Having reviewed the file in this matter, the Motion and the certified copies of the records of the Idaho Department of Water Resources, and good cause appearing therefor,

IT IS HEREBY ORDERED that the City's Motion for Relief from Clerical Errors in Partial Decree is GRANTED and the Partial Decree dated January 8, 2002 shall be amended to reflect that the SOURCE of the right is "groundwater," that the POINT OF DIVERSION of the right is "Township 9 South, Range 17 East, Section 28 SENE, NESE, Jerome County," and that the PLACE OF USE "is located within the city limits of Twin Falls and the surrounding service area."

IT IS SO ORDERED.

Dated this _____ day of _____, 2002.

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication