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DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA	)	Subcase No. 29-00239
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO CORRECT
	)	CLERICAL ERRORS PURSUANT TO
	)	RULE 60(a)

Having reviewed the entire record relating to the motion filed by the Shoshone-Bannock Tribes on January 4, 2005, to correct clerical errors pursuant to Rule 60(a), I.R.C.P., and finding good cause for the granting of the motion,

IT IS ORDERED that the Shoshone-Bannock Tribes' Motion to Correct Clerical Errors Pursuant to Rule 60(a), I.R.C.P. is GRANTED.

IT IS FURTHER ORDERED that the Partial Final Consent Decree Determining Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin (August 2, 1995) is hereby AMENDED as follows:

1. The priority date for Water Right No. 29-00231, Toponce Creek, is amended to July 6, 1868.

2. The priority date for Water Right No. 29-00238, Toponce Creek is amended to July 6, 1868.

3. "Allotment 72 (NESW and NWSE Sec 36 Twp 6S Rge 38E) for 80 acres," which is listed under Water Right No. 29-00238, is deleted.

4. Water Right No. 29-00239 is added and shall read as follows:

Right No. 29-00239

- .i Source: Toponce Creek
- .ii Annual Diversion Volume: 273.7 AFY
- .iii Diversion Rate: 1.679 CFS
- .iv Annual Volume of Consumption: 162.9 AFY
- .v Priority Date: July 6, 1868
- .vi Points of Diversion: Toponce Creek
- .vii Purpose and Period of Use: Irrigation 1/1 – 12/31
- .viii Place of Use: Allotment 72 (NESW, NWSE, Sec 36 Twp 6S Rge 38E) for 83.97 acres.
- .ix Basis of Right: The Winters Doctrine per the Memorandum Decision in United States v. Hibner, 27 F.2d 909 (D. Idaho, E.D. 1928) and the Decree of the United States District Court, Eastern Division, dated April 8, 1929.
- .x Matters necessary for definition, clarification or administration of the right: A corresponding reduction will be made to Right No. 29-12049.

DATED this _____ day of _____, 2005.

Bridgette Bilyeu, Special Master
Snake River Basin Adjudication

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WATER RESOURCES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of January 2005, I caused to be served a true and correct copy of the Shoshone-Bannock Tribes' Motion to Correct Clerical Errors Pursuant to Rule 60(a) and Memorandum in Support of Motion, and Order, by first class mail, postage prepaid, to the following:

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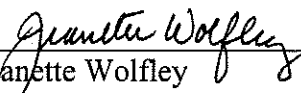
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