



Case No. 39576

For Water Right: 63-3362

Therefore, IT IS ORDERED that a hearing will be held on this matter on **Tuesday, November 18, 2008, at 1:30 p.m. (Mountain Time)** at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho. Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimant is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone participation will be available by calling **1-918-583-3445** and entering **406128** when prompted.

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-03362

NAME AND ADDRESS: TYSON FRESH MEATS, INC
ATTN: JOHN MEYER
800 STEVENS PORT DR, STE 709
DAKOTA DUNES, SD 57049

SOURCE: GROUND WATER

QUANTITY: 2.67 CFS
837.00 AFY

Rights 63-07531 and 63-10383 when combined shall not exceed a
total diversion rate of 5.87 cfs.
The total instantaneous diversions of water from all points of
diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a
total combined annual volume of 4403.1 af.

PRIORITY DATE: 07/11/1963

POINT OF DIVERSION: T01N R02E S06 LOT 2 (NWNE) Within Ada County
 LOT 3 (NENW)
 S07 LOT 3 (NWSW)
 SWSE
 S18 LOT 2 (SNNW)
T02N R02E S31 SWSE

Three (3) points of diversion are located within Lot 3 (NWSW),
S07, T01N, R02E.
A single new point of diversion is authorized in either the SWSE,
S07 or Lot 2 (SNNW), S18, T01N, R02E to provide water that shall
not exceed a temperature greater than 85 degrees Fahrenheit.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.67 CFS 837.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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 Ada County
	T01N R02E S06 LOT 1 (NENE) 35.0	LOT 2 (NWNE) 40.0
	SWNE 40.0	SENE 40.0
	LOT 3 (NENW) 40.0	SENE 40.0
	NESW 40.0	SENE 40.0
	NWSE 40.0	SENE 39.0
	S07 NENW 40.0	LOT 1 (NWNW) 40.0
	LOT 2 (SNNW) 40.0	NESW 40.0
	LOT 4 (SWSW) 36.0	SENE 32.0
	SWSE 32.0	
	S18 NENE 32.0	NWNE 40.0
	SENE 40.0	NENW 40.0
	LOT 1 (NWNW) 40.0	LOT 2 (SNNW) 40.0
	SENE 40.0	NESW 40.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	LOT 3	(NWSW) 40.0	LOT 4	(SWSW) 40.0
T02N R02E S18		SESW 40.0		
	S31	NESW 40.0	LOT 3	(SWSW) 40.0
	LOT 4	(SWSW) 40.0		SESW 40.0
		SWSE 40.0		
1286.0	Acres Total			

Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above 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.

DRAFT

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO ISSUE AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR AND NOTICE HEARING THEREON was mailed on September 02, 2008, with sufficient first-class postage to the following:

TYSON FRESH MEATS, INC
ATTN: JOHN MEYER
800 STEVENS PORT DR, STE 709
DAKOTA DUNES, SD 57049
Phone: 605-235-3865

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

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.