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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN 21 2010
Clerk Deputy Clerk

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

)
) **ORDER OF AMENDED PARTIAL**
) **DECREE TO CORRECT CLERICAL**
) **ERROR; I.R.C.P. 60(a)**
)
) **Water Right No.: 31-10047**
)

A *Partial Decree* was issued for the above-captioned water right on December 2, 1998. On July 31, 2009, the Court received correspondence from the Idaho Department of Water Resources regarding a clerical error or omission in the point of diversion and place of use elements. A *Notice of Court's Intent to Correct Clerical Error* with proposed corrections was served on the claimant, any parties to the prior subcase and notice provided pursuant to docket sheet notice. A hearing was held on the *Notice of Court's Intent to Correct Clerical Error* on January 19, 2010. No party appeared in opposition to the Court's proposed action in correcting the error. The Court found the error to be the result of a clerical error.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the above-captioned water right is hereby **amended and decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decree* is replaced and superseded thereby.

DATED: January 21, 2010.



ERIC WILDMAN
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 31-10047

NAME AND ADDRESS: JACK MCGARRY
PATRICK T MCGARRY
HC61 BOX 1080
DUBOIS, ID 83423

SOURCE: COTTONWOOD CREEK TRIBUTARY: BEAVER CREEK
HOOLIE SPRINGS TRIBUTARY: SINKS
UNNAMED STREAM TRIBUTARY: THUNDER GULCH CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 10/01/1883

POINT OF DIVERSION: T11N R35E S04 NENW (Instream Beginning Point) Within Clark County
NENW
SWSE (Instream Ending Point)
S33 NENE (Instream Beginning Point)
SENE (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

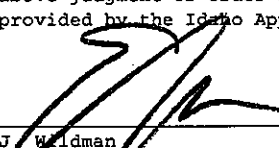
PLACE OF USE:	Stockwater	Within Clark County
	T11N R35E S04	SENE
		NWSE
		SWSE
	S33	NENE
		SENE

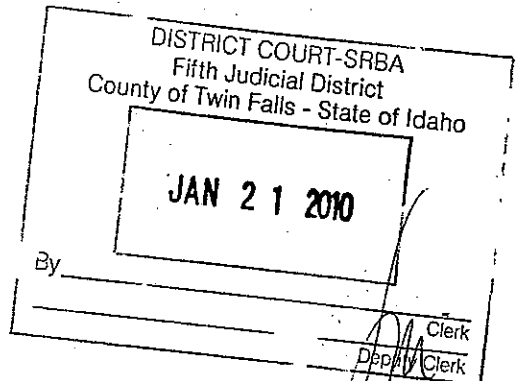
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.


Eric J. Waldman
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; I.R.C.P. 60(A) was mailed on January 21, 2010, with sufficient first-class postage to the following:

JACK MCGARRY
PATRICK T MCGARRY
HC61 BOX 1080
DUBOIS, ID 83423
Phone: 208-374-5470

PATRICK T MCGARRY
HC61 BOX 1083
DUBOIS, ID 83423
Phone: 208-374-5470

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.