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MAR 25 2014
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 24 2014
By _____ 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

) Water Right Claim: 45-00325
)
) ORDER AMENDING PARTIAL
) DECREE *NUNC PRO TUNC* TO
) CORRECT CLERICAL ERROR; I.R.C.P.
) 60(a)
)
)

On November 16, 2006, a *Partial Decree* was issued for the above-captioned water right. The Court subsequently identified that the signature line of the *Partial Decree* was erroneously left blank, and the *Partial Decree* does not contain the signature of the presiding judge. This Court finds that the lack of a signature on the *Partial Decree* to be the result of a clerical error.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the *Partial Decree* for the water right 45-00325 is hereby amended *nunc pro tunc* to correct the clerical error as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated March 24, 2014



ERIC J. 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 45-00325

NUNC PRO TUNC

**DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho**

NOV 16 2006

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS:

GEORGE BILL KELLEY
VIRGINIA KELLEY
PO BOX 575
ALBION, ID 83311

SOURCE:

HOWELL CREEK TRIBUTARY: MARSH CREEK

QUANTITY:

1.80 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE:

04/12/1892

POINT OF DIVERSION:

T11S R25E S28

SESWSW Within Cassia County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

Irrigation

04-01 TO 10-31

1.80 CFS

Stockwater

04-01 TO 10-31

0.03 CFS

The use of water for irrigation under this right may begin as
early as March 15 provided other elements of the right are not
exceeded. The use of water before April 1 under this remark is
subordinate to all water rights having no subordinated early
irrigation use and a priority date earlier than the date a
partial decree is entered for this right.

PLACE OF USE:

Irrigation

Within Cassia County

T11S R25E S28

NESW 13.0

NWSW 5.8

SWSW 33.0

SESW 38.0

89.8 Acres Total

Stockwater

Within Cassia County

Same as Irrigation

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER
USE 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).

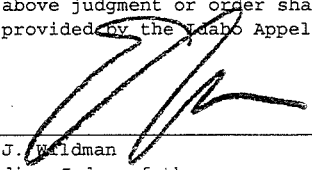
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**DEPARTMENT OF
WATER RESOURCES**

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

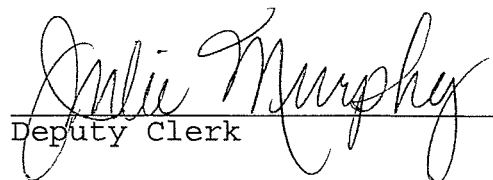
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER AMENDING PARTIAL DECREE NUNC PRO TUNC TO CORRECT CLERICAL ERROR; I.R.C.P. 60(A) was mailed on March 24, 2014, with sufficient first-class postage to the following:

EARL L. WARTHEN
PO BOX 145
ALBION, ID 83311
Phone: 208-673-5385

GEORGE BILL KELLEY
VIRGINIA KELLEY
PO BOX 575
ALBION, ID 83311

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".