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APR 14 2014

DEPARTMENT OF  
WATER RESOURCES

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

APR 11 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: 36-00021B  
)  
) ORDER AMENDING PARTIAL  
) DECREE *NUNC PRO TUNC* TO  
) NOVEMBER 27, 2000, TO CORRECT  
) CLERICAL ERROR; I.R.C.P. 60(a)  
)  
)

On November 27, 2000, 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 36-00021B is hereby amended *nunc pro tunc* to November 27, 2000, to correct the clerical error as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated April 11, 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**

NUNC PRO TUNC

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 36-00021B

|                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>DISTRICT COURT - SRBA<br/>Fifth Judicial District<br/>County of Twin Falls - State of Idaho</p> <p>NOV 27 2000</p> <p>By _____</p> <p>Clerk<br/>Deputy Clerk</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|

NAME AND ADDRESS: HARRY R GISLER  
755 EAST 2800 SOUTH  
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 7.32 CFS

THE PORTION OF THIS RIGHT IN EXCESS OF 4.58 CFS IS  
SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH  
PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER.

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

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION: T07S R13E S11 NWNENE Within Gooding County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 02-15 TO 11-30 | 7.32 CFS |
|                               | Stockwater     | 02-15 TO 11-30 | 0.09 CFS |
|                               | Stockwater     | 12-01 TO 02-14 | 1.93 CFS |

THE IRRIGATION USE UNDER THIS RIGHT IN EXCESS OF 4.58 CFS IS  
SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES OF  
DECEMBER 31, 1999 OR EARLIER.

| PLACE OF USE: | Irrigation                     | Within Gooding County |
|---------------|--------------------------------|-----------------------|
|               | T07S R13E S21 LOT 6 (NESE)10.0 | LOT 9 (SESE)28.0      |
|               | S22 NESW 9.0                   | NWSW 13.0             |
|               | S27 SWSW 37.0                  |                       |
|               | S28 NWNW 32.0                  |                       |
|               | NENE 8.0                       |                       |
|               | 137.0 Acres Total              |                       |

|  | Stockwater                 | Within Gooding County |
|--|----------------------------|-----------------------|
|  | T07S R13E S21 LOT 6 (NESE) | LOT 9 (SESE)          |
|  | S22 NESW                   | NWSW                  |
|  | S27 SWSW                   |                       |
|  | S28 NWNW                   |                       |
|  | NENE                       | LOT 1 (NWE)           |

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

1.84 CFS OF THE UNSUBORDINATED PORTION OF THIS RIGHT IS  
LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

THE SUBORDINATED PORTION OF THIS WATER RIGHT SHALL NOT BE  
ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE OR  
OTHERWISE RECOGNIZED AS VALID IF IT WOULD CAUSE OR REQUIRE  
EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR  
MITIGATION FROM ANY WATER RIGHTS WITH PRIORITY DATES EARLIER  
THAN DECEMBER 31, 1999. THE SUBORDINATION SHALL RUN WITH AND BE  
A PERPETUAL SERVITUDE UPON THIS WATER RIGHT AND THE ASSOCIATED  
LANDS, INCLUDING ANY NEW LANDS TO WHICH ALL OR ANY PORTIONS OF  
THIS WATER RIGHT IS TRANSFERRED.

THE QUANTITY OF WATER DECREED UNDER THIS RIGHT FOR STOCKWATER  
USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

OTHER PROVISIONS (continued)

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).

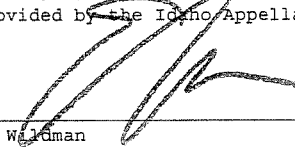
RULE 54(b) CERTIFICATE

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.

13V1303R

08/11/14

01/08/2014

  
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 NUNC PRO TUNC TO NOVEMBER 27, 2000 TO CORRECT CLERICAL ERROR I.R.C.P. 60(A) was mailed on April 11, 2014, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:

CHIEF NATURAL RESOURCES DIV  
OFFICE OF THE ATTORNEY GENERAL  
STATE OF IDAHO  
PO BOX 44449  
BOISE, ID 83711-0449  
Phone: 208-334-2400

~~STATE OF IDAHO~~

~~Represented by:~~

~~CLIVE STRONG  
NATURAL RESOURCES  
DEP AG OFFICE OF ATTY GEN  
STATEHOUSE MAIL  
BOISE, ID 83720-0010  
Phone: 208-334-2400~~

*duplicate*

MAY FARMS LTD

Represented by:

JOSEPHINE P BEEMAN  
1019 N 17TH ST  
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HARRY R GISLER

HARRY R. GISLER

Represented by:

PATRICK D BROWN  
PATRICK D BROWN PC  
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DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

*Julie Murphy*