

RECEIVED

MAR 05 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR - 2 2012	
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	) Subcase No. 37-11850
	)
Case No. 39576	) ORDER SETTING ASIDE PARTIAL
	) DECREE
	)
	) ORDER OF AMENDED PARTIAL
	) DECREE
_____	)

A *Partial Decree* was issued for the above-captioned water right on September 24, 2010. On September 21, 2011, the Clerk of the Court received correspondence from the Idaho Department of Water Resources notifying the Court that the *Partial Decree* may need to be adjusted with respect to the priority date element due to discovered evidence of an earlier priority date. The Department requested that the *Partial Decree* be set aside to allow for the claim for this right to be amended. On September 26, 2011, an *Order of Reference* was issued appointing the Special Master to preside over the issue and issue a recommendation. On October 12, 2011, at a hearing before the Special Master, Carlita F. Severe-McIver made an oral *Motion to Amend the Claim* for the above-captioned water right. On January 24, 2012, the Special Master issued a *Special Master's Report and Recommendation* recommending that the *Motion to Set Aside* be granted, and that an *Amended Partial Decree* be issued with elements set forth in the attached *Special Master's Recommendation for Amended Partial Decree*. No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing challenges has expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the *Partial Decree* previously entered for the above-captioned water right is **hereby set aside**.

IT IS FURTHER ORDERED that the above-captioned water right be **decreed** with the elements set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated March 2, 2012



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

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

Water Right 37-11850

In Re SRBA)
)
Case No. 39576)
_____)

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

MAR - 2 2012

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: CARLITA F SEVERE-MC IVER
330 BAYHORSE RD
BELLEVUE, ID 83313

SOURCE: SEAMANS CREEK TRIBUTARY: SINKS

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 07/21/1880

POINT OF DIVERSION: T02N R19E S31 SWSWNE Within Blaine County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.06 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Blaine County
T02N R19E S31 SWNE 2.0 SENW 1.1
3.1 Acres Total

Stockwater Within Blaine 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).

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.

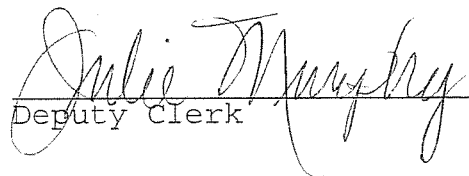
Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE PARTIAL DECREE / ORDER OF AMENDED PARTIAL DECREE was mailed
on March 02, 2012, with sufficient first-class postage to the
following:

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

CARLITA F SEVERE-MC IVER
330 BAYHORSE RD
BELLEVUE, ID 83313
Phone: 208-788-2165

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".