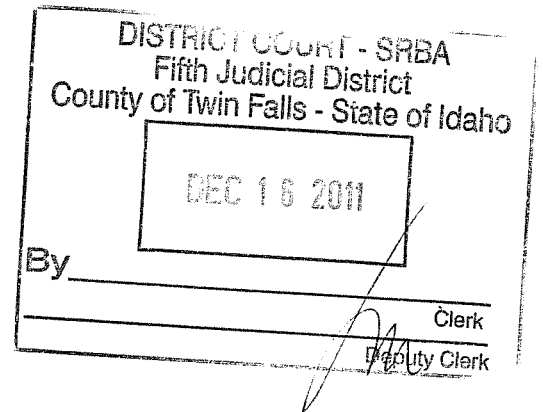


RECEIVED
DEC 20 2011
DEPARTMENT OF
WATER RESOURCES



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

) Subcase Nos. 75-14060
)
) ORDER SETTING ASIDE PARTIAL
) DECREE
)
) ORDER OF AMENDED PARTIAL
) DECREE
)
)
)
)

A *Partial Decree* was issued for the above-captioned water right on May 31, 2011. On September 8, 2011, the Clerk of the Court received correspondence from Albert and Alvera Fols, the claimants of the above-captioned water right, asserting that the *Partial Decree* should be set aside because the place of use element was described incorrectly. The Court has treated the correspondence as a *Motion to Set Aside and Amend Partial Decree*. On October 27, 2011, a *Standard Form 5* was filed by the Fols and IDWR agreeing that the *Partial Decree* described the place of use incorrectly due to error. In addition, the *Standard Form 5* sets forth the correct place of use description as agreed upon by the Fols and IDWR. A hearing on the *Motion* was held before the Court on December 16, 2011. No party appeared in opposition to the *Motion*.

Via the filing of the *Standard Form 5*, the parties have in effect stipulated to the setting aside of the *Partial Decree* for the above-captioned water right, and to the issuance of an *Amended Partial Decree* correcting the above-identified place of use error.

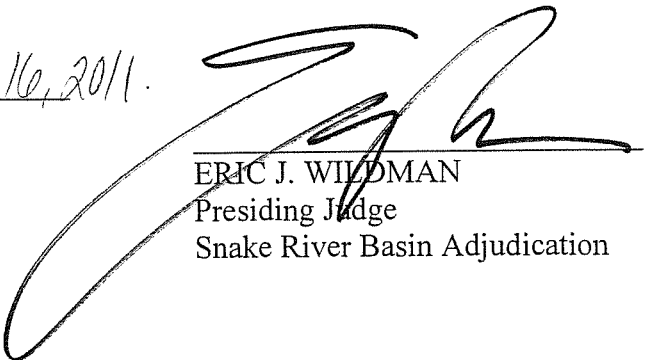
Therefore, IT IS ORDERED that the *Partial Decree* entered for the above-captioned water right is hereby set aside.

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

54(b).

Dated

September 16, 2011.



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 75-14060

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

DEC 16 2011

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: ALBERT C FOLS
ALVERA C FOLS
PO BOX 56
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.19 CFS

PRIORITY DATE: 04/01/1915

POINT OF DIVERSION: T23N R22E S35 NENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.19 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 LOT 2 (NWNE) 9.5
9.5 Acres Total

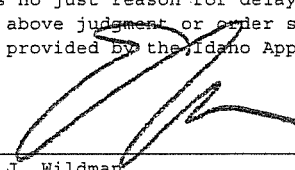
Right Nos. 75-14054, 75-14056, 75-14058 and 75-14060 are limited
to the irrigation of a combined total of 9.5 acres in a single
irrigation season.

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.


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 December 16, 2011, with sufficient first-class postage to
the following:

ALBERT C FOLS
ALVERA C FOLS
PO BOX 56
CARMEN, ID 83462
Phone: 208-756-1535

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

Julie Murphy