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DEPARTMENT OF
WATER RESOURCES

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

SEP 30 2011

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

) ORDER OF AMENDED PARTIAL
) DECREE TO CORRECT CLERICAL
) ERROR
)
) For Water Right: 02-00201
)
)
)
)

A *Partial Decree* was issued for the above-captioned water right on September 29, 2011. The *Partial Decree* was entered following the filing of a *Standard Form 5* on August 4, 2011, resolving all objections to the above-captioned water right. In the *Standard Form 5* the parties agreed to place the following provisions in the "Other Provisions Necessary for Definition or Administration of this Water Right" section of the *Partial Decree*:

1. The "Murphy Gaging Station" is located at T01S, R01W, S35, NWSE, Boise Meridian, on the right bank approximately 4.2 miles downstream from Swan Falls Power Plant.
2. This water right shall not be administered or enforced against any water rights diverting from the waters of the Snake River or surface or ground water tributary to the Snake River upstream from the Milner Dam gaging station, (River Mile 638.7).
3. This partial decree is subject to such general provisions necessary for the definition of the water 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 42-1416(6).

However, the above-captioned water right was erroneously recommended by the Special Master and ultimately decreed with the following provisions in the "Other Provisions" section of the *Partial Decree*, inconsistent with the *Standard Form 5*:

1. Average daily flow, as used herein, shall be based upon actual flow conditions; thus, any fluctuations resulting from the operation of Idaho Power Company facilities shall not be considered in the calculation of such flows. Flows of water purchased, leased, owned or otherwise acquired by Idaho Power Company from sources upstream of its power plants, including above Milner

Dam, and conveyed to and past its plants below Milner Dam shall be considered fluctuations resulting from the operations of Idaho Power Company facilities.

2. The "Murphy Gaging Station" is located at T01S, R01W, S35, NWSE, Boise Meridian, on the right bank approximately 4.2 miles downstream from Swan Falls Power Plant.

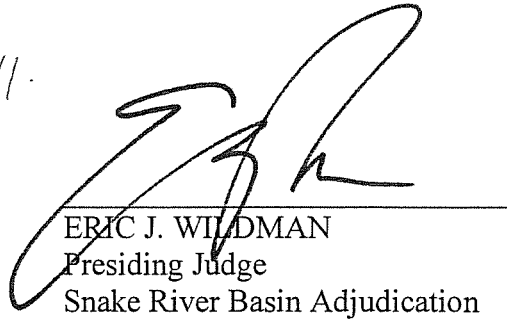
3. For the purposes of the determination and administration of this water right, no portion of the waters of the Snake River or surface or ground water tributary to the Snake River upstream from Milner Dam shall be considered. This water right may not be administered or enforced against any diversions or uses of the waters identified in this paragraph.

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 42-1416(6).

Accordingly, the Court finds the provisions contained in the "Other Provisions" section of the *Partial Decree* issued for the above-captioned water right, which remarks are inconsistent with the *Standard Form 5* filed by the parties, to be the result of clerical error.

THEREFORE, IT IS HEREBY ORDERED that pursuant to I.R.C.P. 60(a) the *Partial Decree* previously issued for 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)*.

Dated September 30, 2011.

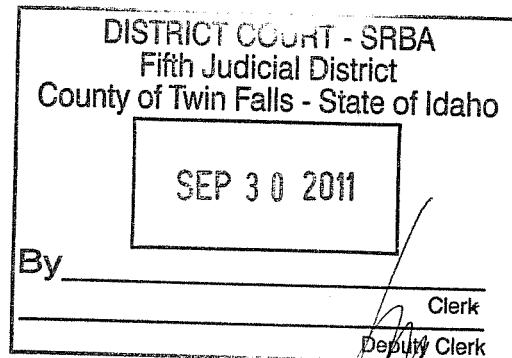

ERIC J. WINDMAN
Presiding Judge
Snake River Basin Adjudication

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 02-00201



NAME AND ADDRESS: STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3300.00 CFS

Water rights 02-00201 and 02-00223 are limited to a combined minimum flow rate of 3,900 CFS average daily flow from April 1 to October 31 as measured at the "Murphy Gaging Station" described below. Water rights 02-00201, 02-00223 and 02-00224 are limited to a combined minimum flow rate of 5,600 CFS average daily flow from November 1 to March 31 as measured at the "Murphy Gaging Station" described below.

PRIORITY DATE: 12/29/1976

POINT OF DIVERSION: T01S R01W S35 LOT 5 (NWSE) Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Minimum Stream Flow	01-01 TO 12-31	3300.00 CFS

PLACE OF USE:
Satisfaction of flow for this right is determined at the "Murphy Gaging Station" described below.

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

1. The "Murphy Gaging Station" is located at T01S, R01W, S35, NWSE, Boise Meridian, on the right bank approximately 4.2 miles downstream from Swan Falls Power Plant.
2. This water right shall not be administered or enforced against any water rights diverting from the waters of the Snake River or surface or ground water tributary to the Snake River upstream from the Milner Dam gaging station, (River Mile 638.7).

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).

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR was mailed on September 30, 2011, with sufficient first-class postage to the following:

IDAHO POWER COMPANY

Represented by:

ADAM T DEVOE
BROWNSTEIN HYATT & FARBER PC
410 17TH STREET, 22ND FL
DENVER, CO 80202
Phone: 303-223-1100

ABERDEEN AMERICAN FALLS
BINGHAM GROUND WATER DISTRICT
BONNEVILLE-JEFFERSON GROUND
CLARK JEFFERSON GROUND WATER
MADISON GROUND WATER DISTRICT
MAGIC VALLEY GROUND WATER
NORTH SNAKE GROUND WATER

Represented by:

CANDICE M MC HUGH
101 S CAPITOL BLVD, STE 300
BOISE, ID 83702
Phone: 208-395-0011

IDAHO POWER COMPANY

Represented by:

JAMES C TUCKER
IDAHO POWER CO
1221 WEST IDAHO STREET
BOISE, ID 83702-5627
Phone: 208-388-2112

STATE OF IDAHO

IDAHO WATER RESOURCE BOARD
322 E FRONT ST
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DIRECTOR OF IDWR

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