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DEPARTMENT OF
WATER RESOURCES

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

JUN - 1 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

) Water Right No.: 75-00070G
)
) ORDER SETTING ASIDE PARTIAL
) DECREE
)
) ORDER OF AMENDED PARTIAL
) DECREE
)
)

A *Partial Decree* for the above-captioned water right was issued on September 8, 2000. On May 31, 2011, the parties filed a *Standard Form 5* in the above-captioned subcase asserting that the following combined use remark should have been included in the *Partial Decree* for the above-captioned water right, and that the absence of the combined use remark was in error: "Right Nos. 75-69G, 75-69L, 75-70G and 75-70L are limited to a total combined diversion rate of 0.093 cfs." The *Standard Form 5* asserts further that the priority date contained in the *Partial Decree* of 05/01/1882 is in error and that the correct priority date is 05/01/1892. 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 errors.

THEREFORE THE FOLLOWING ARE HEREBY ORDERED:

1. The *Partial Decree* entered for the above-captioned water right is hereby set aside.
2. The above-captioned water right shall be **decreed** with the elements set forth in the attached *Amended Partial Decree*.

Dated June 1, 2011

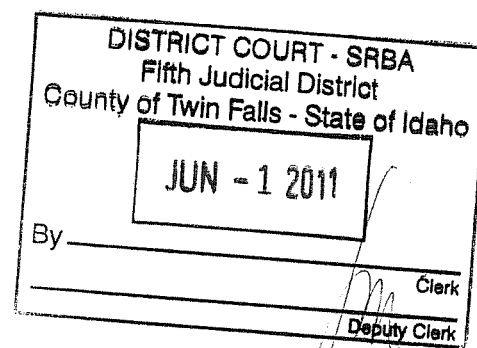

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

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

Water Right 75-00070G



NAME AND ADDRESS: LINDA METCALF
PO BOX 285
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
Right Nos. 75-69G, 75-69L, 75-70G AND 75-70L are limited to a
total combined diversion rate of 0.093 cfs.

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION: T22N R22E S02 SENWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	04-01 TO 11-01	0.06 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Lemhi County
	T22N R22E S03	NESE	
	Domestic		Within Lemhi County
	T22N R22E S03	NESE	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT 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 AND ORDER OF AMENDED PARTIAL DECREE was
mailed on June 01, 2011, with sufficient first-class postage
to the following:

LINDA METCALF
PO BOX 285
CARMEN, ID 83462
Phone: 208-756-6204

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