

RECEIVED
MAY 10 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAY - 9 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	)	ORDER OF AMENDED PARTIAL DECREES
	)	TO CORRECT CLERICAL ERROR;
Case No. 39576	)	I.R.C.P. 60(a)
	)	
	)	For Water Rights: 45-00091, 45-02186
	)	and 45-02187
	)	(Oakley Valley Water Company)

On September 7, 2004, the Idaho Department of Water Resources filed its *Director's Report for Basin 45, Reporting Area 10, Irrigation and Other Water Rights*, which included recommendations for the above-captioned rights. No objections were filed. On March 4, 2011, *Partial Decrees Pursuant to I.R.C.P. 54(b)* were issued for said water rights.

On April 26, 2011, the Court received correspondence from the Idaho Department of Water Resources notifying the Court that the full legal description under the "Place of Use" element should be removed from the above-captioned *Partial Decrees* and this element should only contain the language "Place of use is within the area served by Oakley Valley Water Company", consistent with the *Director's Reports* for these rights. In reviewing the file and each of the *Director's Reports*, the Court finds this to be the result of clerical error.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby **decree**d as set forth in the attached *Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decrees* are replaced and superseded thereby.

DATED: May 9, 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 45-00091

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

MAY - 9 2011

By _____

Clerk
Deputy Clerk

NAME AND ADDRESS: OAKLEY VALLEY WATER CO
PO BOX 201
OAKLEY, ID 83346

SOURCE: COLD SPRINGS TRIBUTARY: BIRCH CREEK

Right holder shall comply with the drilling permit requirements
of Section 42-235, Idaho Code.

QUANTITY: 1.00 CFS
129.00 AFY

Prior to injecting water and re-diverting from ground water
under this approval, the right holder shall install and maintain
measuring devices acceptable to the Department at all authorized
point(s) of injection, diversion, and re-diversion.
The total amount of water diverted from all points of diversion
from Cold Springs under Transfer 68966 shall not exceed 1.00
cfs, nor a total combined annual volume of 129.0 af.

PRIORITY DATE: 04/25/1902

POINT OF DIVERSION: T13S R22E S10 SESWSE (Rediversion) Within Cassia County
T14S R22E S14 SESESE
SE (Injection)
S24 SENWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	1.00 CFS 129.00 AFY

Use of water under this approval shall comply with applicable
water quality standards of the Department of Environmental
Quality.

PLACE OF USE: Place of use is within the area served by Oakley Valley Water
Company.

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

Failure of the right holder to comply with the conditions of
this transfer is cause for the Director to rescind approval of
the transfer.
Approval of Transfer 68966 does not grant any right-of-way or
easement for use of a delivery system owned by person(s) other
than the right owner.
The right holder shall accomplish the change authorized by this
transfer within one (1) year of the date of this approval.
Approval of this transfer does not preclude the opportunity for
review of the validity of the water right(s) in the ongoing
Snake River Basin Adjudication.
Prior to injecting water and re-diverting from ground water
under this approval, the right holder shall submit a recharge
plan acceptable to the Department and obtain a separate
injection well permit as required.
Use of water under this water right will be regulated by the

OTHER PROVISIONS (continued)

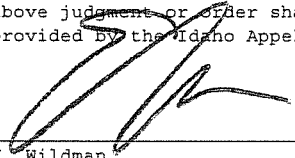
watermaster of State Water District No. 45-B, Birch Creek. The instantaneous rate of re-diversion from ground water is limited to those times water is available for diversion under this right and priority from Cold Springs and is limited to the instantaneous rate of injection to ground water for recharge purposes. The right holder shall record monthly diversion, injection, and re-diversion volumes and file an annual report of the total amounts with the Department.

A priority date of March 19, 2001 shall be applied relative to any injury to nearby wells due to the re-diversion from ground water authorized under this approval.

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

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 45-02186

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

MAY - 9 2011

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: OAKLEY VALLEY WATER CO
PO BOX 201
OAKLEY, ID 83346

SOURCE: SIMMONS SPRING TRIBUTARY: SINKS

QUANTITY: 1.00 CFS

PRIORITY DATE: 06/03/1941

POINT OF DIVERSION: T14S R21E S11 NENESW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	1.00 CFS

PLACE OF USE:

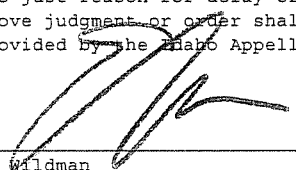
Place of use is within the area served by Oakley Valley Water Company.

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

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 45-02187

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

MAY - 9 2011

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS:

OAKLEY VALLEY WATER CO
PO BOX 201
OAKLEY, ID 83346

SOURCE:

BATES SPRING TRIBUTARY: SINKS

QUANTITY:

1.00 CFS

PRIORITY DATE:

06/03/1941

POINT OF DIVERSION:

T14S R21E S03 SWSESE Within Cassia County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Municipal

PERIOD OF USE
01-01 TO 12-31

QUANTITY
1.00 CFS

PLACE OF USE:

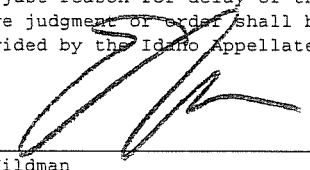
Place of use is within the area served by Oakley Valley Water
Company.

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
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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 OF AMENDED PARTIAL DECREES TO CORRECT CLERICAL ERROR; I.R.C.P. 60(A) was mailed on May 09, 2011, with sufficient first-class postage to the following:

OAKLEY VALLEY WATER CO
PO BOX 201
OAKLEY, ID 83346
Phone: 208-862-3346

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

ORDER

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FILE COPY FOR 00645

Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.