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DEPARTMENT OF
WATER RESOURCES

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

FEB 15 2011

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

By _____ Clerk

Deputy Clerk

In Re SRBA

Case No. 39576

) ORDER OF AMENDED PARTIAL
) DECREE TO CORRECT CLERICAL
) ERROR
)
) For Water Right: 75-4126
)
)
)
)

A *Partial Decree* was issued for the above-captioned water right on October 30, 2009. On February 7, 2011, the Court received correspondence from the Idaho Department of Water Resources notifying the Court that the *Partial Decree* for the above-captioned water right contains an error with respect to one of the remarks contained in the "Other Provisions Necessary for Definition or Administration of This Water Right" portion of the *Decree*. The subject remark presently reads as follows:

The administration of this right is further defined and set forth in the Settlement Agreement between Russell Kozacek, Susan Kozacek, Patrick Murphy and Daryl Hull, dated December 19, 2008 and recorded as instrument number (insert number here) in the Lemhi County Recorder's Office, Salmon, Idaho.

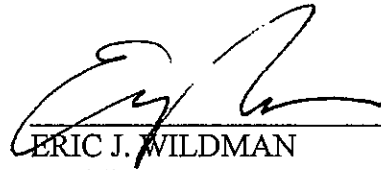
(emphasis added). The Department's correspondence points out that the *Partial Decree* should have contained the actual instrument number of the settlement agreement referred to in the remark (i.e., instrument number 278537) as opposed to "(insert number here)." The remark should have read as follows:

The administration of this right is further defined and set forth in the Settlement Agreement between Russell Kozacek, Susan Kozacek, Patrick Murphy and Daryl Hull, dated December 19, 2008 and recorded as instrument number 278537 in the Lemhi County Recorder's Office, Salmon, Idaho.

This Court finds that the failure to include the instrument number in the *Partial Decree* to be the result of clerical error.

THEREFORE, IT IS HEREBY ORDERED that pursuant to I.C.R.P. 60(a) the *Partial Decree* previously issued for water right 75-4126 is hereby **amended and decreed** as set forth in the attached *Amended Partial Decree pursuant to I.R.C.P. 54(b)*.

Dated February 15, 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 75-04126

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

FEB 15 2011

NAME AND ADDRESS: RUSSELL J KOZACEK
PO BOX 128
NORTH FORK, ID 83466

SOURCE: UNNAMED STREAM TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.32 CFS

By _____ Clerk
_____ Deputy Clerk

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

PRIORITY DATE: 05/01/1887

POINT OF DIVERSION: T25N R21E S15 SESWSW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-01	0.32 CFS
	Stockwater	01-01 TO 12-31	0.04 CFS
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T25N R21E S21	NWNE 3.0	SWNE 5.0
	8.0 Acres Total		
	Stockwater		Within Lemhi County
	T25N R21E S21	NWNE	SWNE
	Domestic		Within Lemhi County
	T25N R21E S21	NWNE	

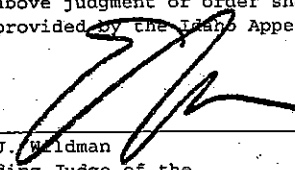
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The administration of this right is further defined and set forth
in the Settlement Agreement between Russell Kozacek, Susan
Kozacek, Patrick Murphy and Daryl Hull, dated December 19, 2008
and recorded as instrument number 278537 in the Lemhi County
Recorder's Office, Salmon, Idaho.

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. Waldman
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 DECREE TO CORRECT CLERICAL ERROR was mailed on February 15, 2011, with sufficient first-class postage to the following:

ANN HELTSLEY

STUART L FELTON

Represented by:

JERRY R. RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

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UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

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Julie Murphy