

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	DISTRICT COURT - SRBA) Fifth Judicial District) County of Twin Falls - State of Idaho)	Subcase No.: 27-12079 (Hayden)
Case No. 39576	SEP 29 2010	ORDER SETTING ASIDE AND AMENDING PARTIAL DECREE
By _____	Clerk	
_____	Deputy Clerk	

On September 29, 2008, a *Partial Decree* was issued for the above-captioned right. On November 18, 2008, IDWR sent correspondence to the Court explaining that in reviewing the recommendations in Basin 27, they discovered that a correction to this water right was necessary. The matter was referred to the Special Master for further proceedings. On August 11, 2010, the Special Master issued a *Special Master's Report and Recommendation* recommending that the *Partial Decree* be set aside and an *Amended Partial Decree* be issued. No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the *Partial Decree* for the above-captioned water right is hereby set aside and amended as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decree* is replaced and superseded thereby.

DATED: September 29, 2010



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

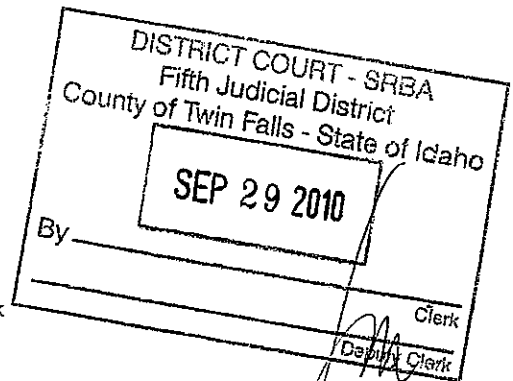
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

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

Water Right 27-12079



NAME AND ADDRESS: DORIS BOLLAR HAYDEN
PO BOX 598
SODA SPRINGS, ID 83276

SOURCE: CALDWELL CANYON CREEK TRIBUTARY: SINKS
UNNAMED STREAM TRIBUTARY: CALDWELL CANYON CREEK

QUANTITY: 0.02 CFS
1.60 AFY

The quantity of water under this right shall not exceed 13,000
gallons per day.
Right Nos. 27-12076 and 27-12079 are limited to a total combined
annual diversion volume of 1.6 AF.

PRIORITY DATE: 08/02/1945

POINT OF DIVERSION: T08S R43E S13 NENWNE (Instream Beginning Point) Within Caribou County
R44E S07 NWNENW (Instream Ending Point)
SWSENE (Instream Beginning Point)
NWSESW (Instream Ending Point)
NWSESE (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-10 TO 11-15	0.02 CFS
			1.60 AFY

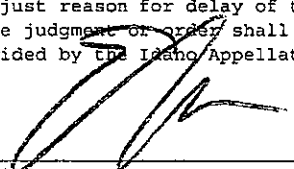
PLACE OF USE:	Stockwater	Within Caribou County
T08S R43E S13	NWNE	NENW
R44E S07	SWNE	SENE
	NESW	SESW
	NWSE	SWSE
	SESE	

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 AND AMENDING PARTIAL DECREE was mailed on September 29,
2010, with sufficient first-class postage to the following:

SHOSHONE-BANNOCK TRIBES

Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202
Phone: 208-232-1922

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DORIS BOLLAR HAYDEN

PO BOX 598
SODA SPRINGS, ID 83276
Phone: 208-547-3730

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".