

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2009 DEC 8 PM 2 17

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DEPARTMENT OF
WATER RESOURCES

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

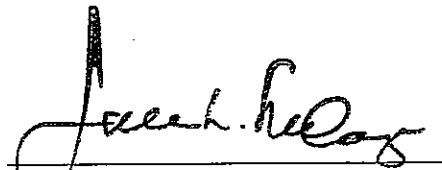
Case No. 39576

)
)
) ORDER OF AMENDED PARTIAL
) DECREE TO CORRECT CLERICAL
) ERRORS: I.R.C.P. 60(a)
)
) For water right: 75-14436
)

A *Partial Decree* was issued for the above-captioned water right on October 28, 2009. On December 7, 2009, the United States of America filed a *Motion to Correct Clerical Error* notifying the Court of an inaccurate description of two places of use and a missing remark under that element. The *Special Master's Report and Recommendation* was not consistent with the *Standard Form 5*, filed on June 16, 2009. The Court finds this to be the result of a clerical error.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that water right 75-14436 is hereby **amended and decreed** 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 The previously issued *Partial Decree* is replaced and superseded thereby.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 December 8, 2009.


JOHN M. MELANSON
Presiding Judge, *Pro Tem*
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

FILED

In Re SRBA

Case No. 39576

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

Water Right 75-14436

2009 DEC 8 PM 2 17

NAME AND ADDRESS:

ROBERT TACKE
248 HOT SPRINGS RD
SALMON, ID 83467-5115

SOURCE:

HOT SPRING CREEK TRIBUTARY: SALMON RIVER
SPRING TRIBUTARY: HOT SPRING CREEK

QUANTITY:

2.00 CFS

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

PRIORITY DATE:

09/28/1876

POINT OF DIVERSION:

T20N R22E S03 LOT 2 (SEWNNE) Within Lemhi County
LOT 2 (SEWNNE)
LOT 4 (NWNW)
SENW
T21N R22E S34 SESWSW

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	1.70 CFS
Stockwater	01-01 TO 12-31	0.02 CFS
Commercial	01-01 TO 12-31	0.30 CFS
Domestic	01-01 TO 12-31	0.04 CFS

Domestic use is for 1 home.

Commercial use is for a mineral spring water bottling plant.

PLACE OF USE:

Irrigation	Within Lemhi County
T20N R22E S03 LOT 3 (NENW) 0.8	LOT 4 (NWNW) 25.0
T21N R22E S34 NESW 2.1	NWSW 1.9
SWSW 17.0	SESW 11.0
57.8 Acres Total	

Stockwater	Within Lemhi County
T20N R22E S03 SWNE	SENE
LOT 4 (NWNW)	

Commercial	Within Lemhi County
T20N R22E S03 SWNE	SENE
LOT 4 (NWNW)	

Domestic	Within Lemhi County
T20N R22E S03 SWNE	SENE

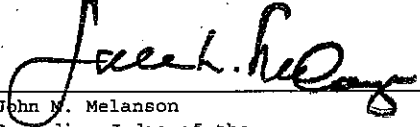
Place of use does not include federal public lands.

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.



John W. Melanson
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 ERRORS: I.R.C.P> 60(A) was mailed on December 08, 2009, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:

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

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

~~ROBERT TACKE
248 HOT SPRINGS RD
SALMON, ID 83467
Phone: 208-756-4449~~

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