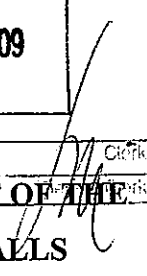


RECEIVED

DEC 03 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
DEC 2 2009
 Clerk

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

n Re SRBA

Case No. 39576

) ORDER OF AMENDED PARTIAL DECREE;
) I.R.C.P. 60(a) CLERICAL ERROR

)
) For Water Right 45-12557

On March 23, 2009, a *Partial Decree* was issued for the above-captioned water right. On October 29, 2009, the Court was contacted about a possible clerical error in describing one of quarter quarters in the Place of Use element for this water right. One of the Places of Use is was decreed as: T12S R19E S26 SESE within Cassia County. The correct Place of Use, as agreed to in the Standard Form 5 filed August 8, 2008 is: T12S R19E S26 SESW within Cassia County.

In reviewing the subcase file, the Court determines there was a clerical error made in describing the Place of use element in the *Partial Decree*.

Therefore, IT IS ORDERED that water right 45-12557 is hereby **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 The previously issued *Partial Decree* is replaced and superseded thereby.

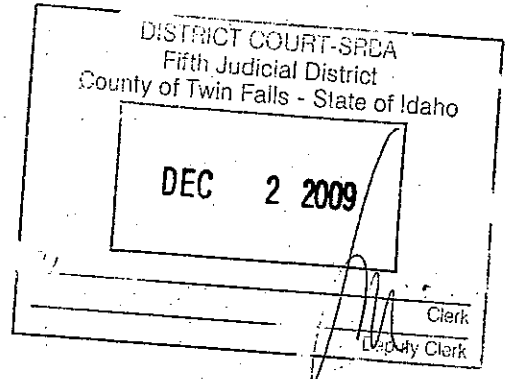
DATED December 2, 2009


JOHN M. MELANSON
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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 45-12557



NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: DRY CREEK TRIBUTARY: SINKS
EAST FORK DRY CREEK TRIBUTARY: DRY CREEK
MIDDLE FORK DRY CREEK TRIBUTARY: DRY CREEK
WEST FORK DRY CREEK TRIBUTARY: DRY CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T12S R19E S24 NWSWN (Instream Ending Point) Within Cassia County
S26 SWNESW (Instream Ending Point)
S34 NWSENE (Instream Ending Point)
NWSENE (Instream Ending Point)
NWSENE (Instream Beginning Point)
SESWSW (Instream Beginning Point)
SESESE (Instream Beginning Point)
S35 SESENE (Instream Beginning Point)

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Stockwater 01-01 TO 12-31 0.02 CFS

PLACE OF USE: Stockwater Within Cassia County
T12S R19E S23 NESE SESE
S24 SWNW NWSW
S26 NENE NWNE
SWNE SENW
NESW NWSW
SWSW SESW
SWSE
S27 SESE
S34 NENE SWNE
SENE SWNW
SESW NWSW
SESW SESW
S35 NESE SESE
NENE NWNE
SENE NWNW

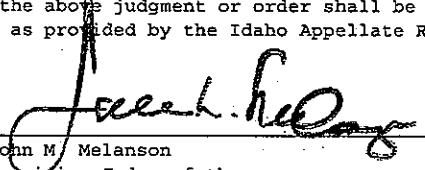
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.


John M. 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; I.R.C.P. 60(A) CLERICAL ERROR was mailed on December 02, 2009, with sufficient first-class postage to the following:

JOE TUGAW

MICHAEL A POULTON

Represented by:

NORMAN M SEMANKO

IDAHO WATER USERS ASSOCIATION

1010 W JEFFERSON ST, STE 101

BOISE, ID 83702

Phone: 208-344-6690

USDI BLM

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

JARED BEDKE

42 E BASIN RD

OAKLEY, ID 83346

Phone: 208-862-3679

