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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 18 2009	
By _____	Clerk
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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

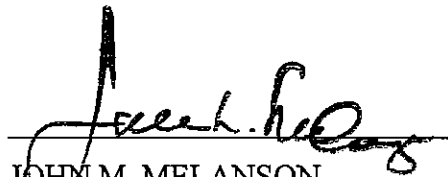
)
)
) **ORDER OF AMENDED PARTIAL**
) **DECREE TO CORRECT CLERICAL**
) **ERROR: I.R.C.P. 60(a)**
)

) **For water right: 37-02683A**
)

A *Partial Decree* was issued for the above-captioned water right on June 4, 2009. On September 4, 2009, it came to the Court's attention that the Place of Use element contains an incorrect description. The *Partial Decree* states the description as: T01S R20E S22 SWNW 25.4. The description should read T01S R20E S22 SWNE 25.4. The Court finds this is due to a clerical error.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that water right 37-02683A is hereby **amended and decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated September 18, 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)
Case No. 39576)
_____)

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

Water Right 37-02683A

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

SEP 18 2009

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS:

THE BRETT & PATRICIA BASHAW
FAMILY TRUST
C/O GERALD BASHAW
PO BOX 767
PICABO, ID 83348

SOURCE:

GROUND WATER

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

QUANTITY:

1.88 CFS
293.30 AFY

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Right Nos. 37-2683A and 37-7349A when combined shall not exceed a total diversion rate of 3.05 cfs and a total annual maximum diversion volume of 503.3 af at the field headgate.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate.

PRIORITY DATE:

08/23/1961

POINT OF DIVERSION:

T01S R20E S20	NENESW (Injection)	Within Blaine County
	NWNESW	
S22	SWSWSE (Rediversion)	
S27	SWNENE (Rediversion)	

The following rights are diverted through point(s) of diversion described above within TWP 01S, RNG 21 E, Sec 20: 37-7349A, 37-7349B, 37-2683A, 37-2683B and 37-2444.

The following rights are diverted through point(s) of rediversion described above within TWP 01S, RNG 27E, Sec 27 NENE: 37-2683A, 37-7349A.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-15 TO 10-31	1.88 CFS
		293.30 AFY

PLACE OF USE:

Irrigation	Within Blaine County
T01S R20E S22	SWNE 25.4
	SENE 7.2
	NESE 20.5
	NWSE 38.9

PLACE OF USE (continued)

	SWSE 18.3	SESE 40.5
S23	SWSW 17.6	
S26	NWNW 13.4	
S27	NENE 16.0	NWNE 2.3
200.1	Acres Total	

Right Nos. 37-2683A and 37-7349A are limited to the irrigation of a combined total of 158.2 acres in a single irrigation season.

This right is limited to the irrigation of 98.2 acres within the place of use described above in a single irrigation season.

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

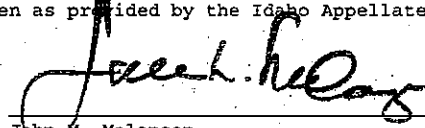
Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.

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 TO CORRECT CLERICAL ERROR: I.R.C.P. 60(A) was mailed on September 18, 2009, with sufficient first-class postage to the following:

THE BRETT & PATRICIA BASHAW
FAMILY TRUST
C/O GERALD BASHAW
PO BOX 767
PICABO, ID 83348
Phone: 208-788-3670

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

ORDER

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Deputy Clerk

