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JUL 31 2009

DEPARTMENT OF
WATER RESOURCES

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

JUL 30 2009

By _____

Clerk
Deputy Clerk

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

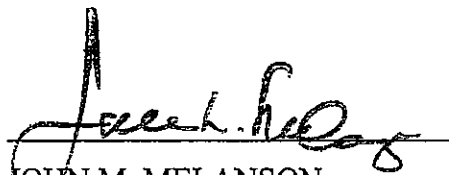
)
)
) **ORDER OF SECOND AMENDED**
) **PARTIAL DECREE TO CORRECT**
) **CLERICAL ERROR: I.R.C.P. 60(a)**
)

) **For water right: 63-00287D (Ruff)**
)

An *Order of Amended Partial Decree* was issued for the above-captioned water right on May 20, 2009 to correct an error in the legal description for the Place of Use element. In making the correction, the Court failed to correct the Place of Use description for each purpose of use. The Court finds this omission is due to a clerical error.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that water right 63-00287D is hereby **amended and decreed** as set forth in the attached *Second Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated July 30, 2009

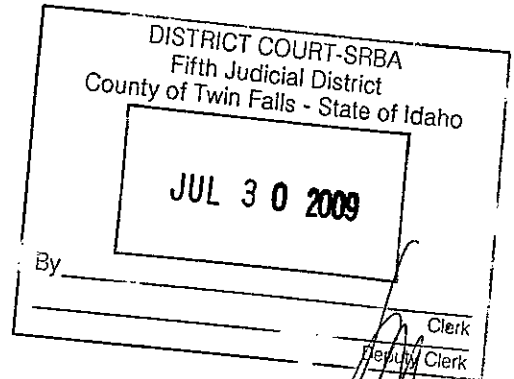

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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 63-00287D



NAME AND ADDRESS: RUSSELL RUFF
200 E CLEAR CREEK DR
MERIDIAN, ID 83646

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1882

POINT OF DIVERSION: T04N R01E S22 LOT 6 (SENW) Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.04 CFS
	Irrigation Storage	03-01 TO 11-15	0.10 AFY
	Irrigation from Storage	03-01 TO 11-15	0.10 AFY
	Wildlife	01-01 TO 12-31	0.20 AFY
	Aesthetic	01-01 TO 12-31	0.20 AFY

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: Irrigation Within Ada County
T04N R01E S19 NWNW 1.9
1.9 Acres Total

PLACE OF USE (continued)

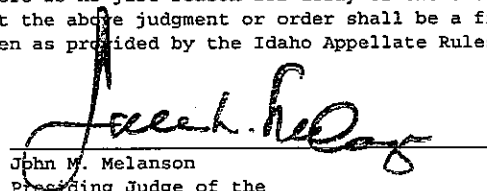
Irrigation Storage		Within Ada County
T04N R01E S19	NWNW	
Irrigation from Storage		Within Ada County
T04N R01E S19	NWNW 1.9	
1.9 Acres Total		
Wildlife		Within Ada County
T04N R01E S19	NWNW	
Aesthetic		Within Ada County
T04N R01E S19	NWNW	

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 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 SECOND AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR: I.R.C.P. 60(A) was mailed on July 30, 2009, with sufficient first-class postage to the following:

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

RUSSELL RUFF
200 E CLEAR CREEK DR
MERIDIAN, ID 83646
Phone: 208-221-2634

ORDER

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FILE COPY FOR 02109

Deputy Clerk

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".