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MAY 21 2009

Department of Water Resources
Adjudication Bureau

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

MAY 20 2009

By _____ Clerk
_____ 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 AMENDED PARTIAL DECREE
TO CORRECT CLERICAL ERROR

For Water Right: 63-287D (Ruff)

The above-captioned water right was recommended in the *Director's Report for Late and Miscellaneous Claims* on March 21, 2008. No objections were filed. A *Partial Decree* was issued for the uncontested right on January 22, 2009. On February 2, 2009, the Court received correspondence from the Idaho Department of Water Resources indicating a clerical error in the *Partial Decree*. The Place of Use element is incorrect. It should read NWNW, S19, T04N, R01E. The Court finds this to be the result of a clerical error. A hearing was held on this matter on May 19, 2009 and no party appeared in opposition to the Court's proposed action in correcting the error.

Therefore, IT IS ORDERED that the above-captioned water right be amended and decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P.54(b)*.

DATED: May 20, 2009


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

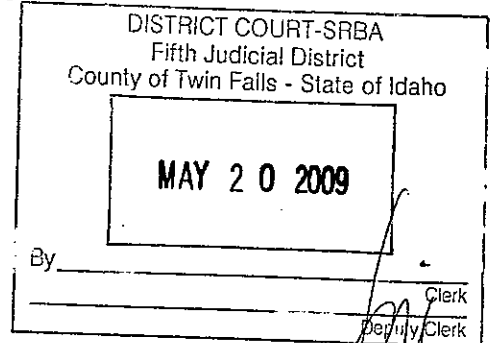
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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)

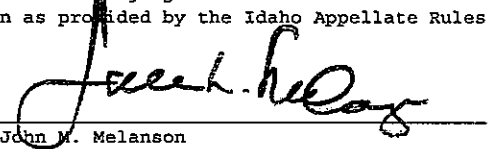
Irrigation Storage		Within Ada County
T04N R01E S19	SENW	
Irrigation from Storage		Within Ada County
T04N R01E S19	SENW 1.9	
1.9 Acres Total		
Wildlife		Within Ada County
T04N R01E S19	SENW	
Aesthetic		Within Ada County
T04N R01E S19	SENW	

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 AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR was mailed on May 20, 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

