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DEPARTMENT OF
WATER RESOURCES

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

MAR 18 2009

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: 65-12733

A *Partial Decree* was issued for the above-captioned water right on November 3, 2000. On December 5, 2008, the Court received correspondence from the Idaho Department of Water Resources describing errors in the *Partial Decree*. Remarks describing the flows for given periods of use in given reaches are missing from the *Partial Decree*. In addition, there is no Place of Use remark on either the *Director's Report* issued for this right on April 11, 2000, or the *Partial Decree*. The Court finds this to be the result of clerical error. A hearing was held on this matter on March 17, 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: March 18, 2009

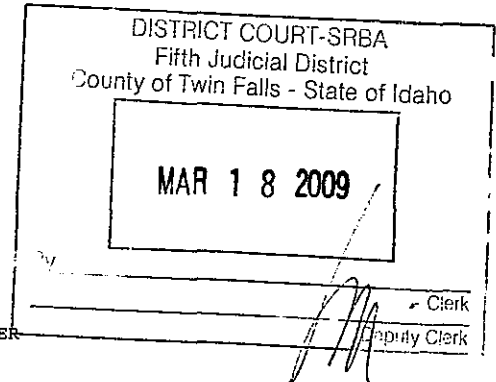

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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 65-12733



NAME AND ADDRESS: STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER
SOUTH FORK PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1350.00 CFS

THE RATES OF FLOW FOR THIS MINIMUM STREAM FLOW ARE DESCRIBED
IN DETAIL IN THE PURPOSE AND PERIOD OF USE PORTION OF THE WATER
RIGHT.

PRIORITY DATE: 04/26/1985

THIS MINIMUM STREAM FLOW IS SUBORDINATE AND SUBJECT TO FUTURE
APPROPRIATIONS OF WATER FROM THE SOUTH FORK AND MAIN STEM OF THE
PAYETTE RIVER FOR MUNICIPAL AND DOMESTIC PURPOSES WITHIN THE
MINIMUM FLOW WATERSHED.

POINT OF DIVERSION:	T09N R03E S28	SWSW (Instream Ending Point)	Within Boise County
	R04E S20	NENE (Instream Ending Point)	
		NENE (Instream Beginning Point)	
	R07E S31	NESE (Instream Ending Point)	
		NESE (Instream Beginning Point)	
	S32	NENW (Instream Ending Point)	
		NENW (Instream Beginning Point)	
		SWNW (Instream Ending Point)	
		SWNW (Instream Beginning Point)	
	R11E S02	SWNW (Instream Beginning Point)	

DESCRIPTION OF REACHES:

REACH A - BEGINNING AT THE BOUNDARY OF THE SAWTOOTH WILDERNESS
AREA IN UNSURVEYED SECTION 2, T9N, R11E, TO THE CONFLUENCE OF
THE DEADWOOD & SOUTH FORK PAYETTE RIVERS IN NENW, S32, T9N,
R7E, BOISE CO.

REACH B - BEGINNING AT END OF REACH A TO THE UPSTREAM END OF THE
OXBOW BEND, APPROXIMATELY 1056 YARDS DOWNSTREAM FROM THE
CONFLUENCE OF THE DEADWOOD & SOUTH FORK PAYETTE RIVERS IN THE
SNNW, S32, T9N, R7E, BOISE CO.

REACH C -
BEGINNING AT THE END OF REACH B TO A POINT IN THE NESE, S31,
APPROXIMATELY 200 YARDS DOWNSTREAM FROM THE SECTION LINE
BETWEEN SECTION 31 AND 32, T9N, R7E, BOISE CO.

REACH D - BEGINNING AT THE END OF REACH C TO THE CONFLUENCE OF
THE SOUTH FORK PAYETTE RIVER AND THE MIDDLE FORK PAYETTE RIVER
IN THE NENE, S20, T9N, R4E, BOISE CO.

REACH E - BEGINNING AT THE END OF REACH D TO THE CONFLUENCE OF
THE PAYETTE RIVER AND NORTH FORK PAYETTE RIVER IN THE SWSW,
S28, T9N, R3E, BOISE CO.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Minimum Stream Flow	01-01 TO 04-18	212.00 CFS
Minimum Stream Flow	04-19 TO 07-15	1100.00 CFS
Minimum Stream Flow	07-16 TO 12-31	212.00 CFS

PURPOSE AND PERIOD OF USE (continued)

DESCRIPTION OF FLOWS BY REACH:

REACH A:

FROM 01-01 TO 04-18 212 CFS
FROM 04-19 TO 07-15 1100 CFS
FROM 07-16 TO 12-31 212 CFS

REACH B:

FROM 01-01 TO 04-14 337 CFS
FROM 04-15 TO 08-31 1100 CFS
FROM 09-01 TO 12-31 337 CFS

REACH C:

FROM 01-01 TO 04-14 337 CFS
FROM 04-15 TO 08-31 337 CFS MONDAY - THURSDAY
FROM 04-15 TO 08-31 400 CFS FRIDAY - SUNDAY

REACH D:

FROM 01-01 TO 04-14 337 CFS
FROM 04-15 TO 08-31 1100 CFS
FROM 09-01 TO 12-31 337 CFS

REACH E:

FROM 01-01 TO 04-14 407 CFS
FROM 04-15 TO 08-31 1350 CFS
FROM 09-01 TO 12-31 407 CFS

THIS MINIMUM STREAM FLOW IS FOR THE PRESERVATION OF SCENIC,
RECREATIONAL AND AESTHETIC VALUES AND FOR THE MAINTENANCE OF
FISH AND WILDLIFE HABITAT.

PLACE OF USE:

PLACE OF USE FOR THIS RIGHT IS THE REACH OF THE SOUTH FORK
PAYETTE RIVER BEGINNING AT THE BOUNDARY OF THE SAWTOOTH
WILDERNESS AREA IN UNSURVEYED T09N R11E 2 TO THE CONFLUENCE OF
THE SOUTH FORK PAYETTE RIVER AND THE MIDDLE FORK PAYETTE THENCE
DOWNSTREAM ON THE PAYETTE RIVER TO THE CONFLUENCE OF THE PAYETTE
RIVER AND THE NORTH FORK PAYETTE RIVER.

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

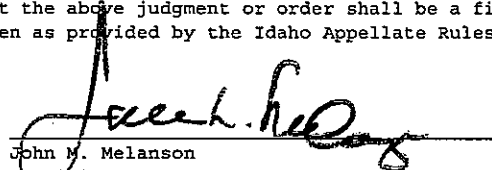
UPON A FUTURE FINDING AND ORDER OF THE DIRECTOR THAT GAUGING
STATIONS ARE REQUIRED TO MAINTAIN THE APPROVED MINIMUM FLOW ON
THE SOUTH FORK AND MAIN STEM, PAYETTE RIVER, SUCH MEASURING
DEVICES SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS
SPECIFIED BY THE DEPARTMENT.

THE DIRECTOR RETAINS JURISDICTION, AS DESCRIBED BELOW, TO
REVIEW AND AMEND ANY AND ALL PARAMETERS OF THIS RIGHT. THE
BOARD, UPON RECEIVING A REQUEST, OR UPON ITS OWN INITIATIVE, MAY
PETITION THE DIRECTOR FOR AN AMENDMENT TO THE RIGHT. THE
PETITION MUST SET FORTH ANY SIGNIFICANT CHANGE IN CIRCUMSTANCES
AND EVIDENCE OF THE PUBLIC INTEREST SUPPORTING THE PROPOSED
AMENDMENT. THE DIRECTOR WILL NOTIFY THE GENERAL PUBLIC AND
SPECIFIC PERSONS OR KNOWN INTERESTED PARTIES OF THE PROPOSED
CHANGE, AND CONDUCT A HEARING FOR THE PURPOSE OF DETERMINING
WHETHER THE RIGHT SHOULD BE AMENDED IN THE PUBLIC INTEREST. THE
BURDEN OF PROOF AT THE HEARING SHALL BE UPON THE PERSONS OR
PARTIES SEEKING THE AMENDMENT TO ESTABLISH THAT THE AMENDMENT OF
THE RIGHT WOULD BE IN THE PUBLIC INTEREST.

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 March 18, 2009, with sufficient first-class postage to the following:

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720

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

ORDER

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Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.