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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR - 6 2009
<i>[Signature]</i> 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: I.R.C.P. 60(a)**
)
) **For water right: 22-13731**
)

A Notice of Completed Administrative Proceeding (NCAP) and Amended Director's Report were filed for the above-captioned water right on March 17, 2008. No objections were filed. On December 2, 2008, this Court issued a *Partial Decree*. On January 8, 2009, this Court received correspondence from the Idaho Department of Water Resources indicating that the Court failed to issue the *Partial Decree* in accordance with the *NCAP* and the *Amended Director's Report*. The Court finds this to be the result of a clerical error.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that water right 22-13731 is hereby **amended and decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated March 6, 2009

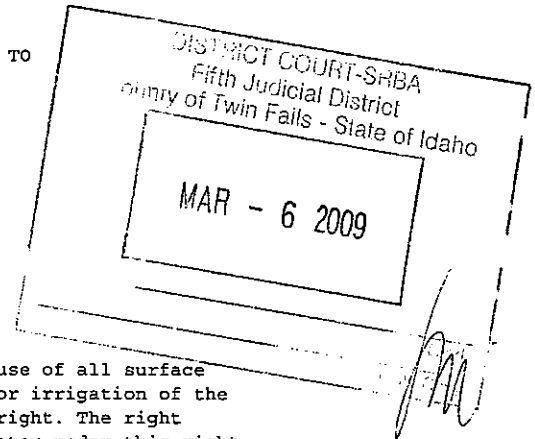
[Signature]

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 22-13731



NAME AND ADDRESS: PACKSADDLE PROPERTIES LLC
PO BOX 631
DRIGGS, ID 83221

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 ground 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.

QUANTITY: 0.18 CFS
46.30 AFY

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 for irrigation of the lands above.

The ponds established by the storage of water under rights 22-13727, 22-13729 & 37-13731 shall not exceed a total capacity of 29.1 acre feet or a total surface area of 7.3 acres.

This right authorizes the diversion of an annual total of 5.0 af to be used for the initial filling of the ponds, for the replacement of losses caused by seepage and evaporation from the ponds.

Rights 22-13729 and 22-13731 when combined shall not exceed a total diversion rate of 1.92 cfs, a total annual maximum diversion volume of 384.3 af.

The rights listed below are limited to a total combined diversion rate of 2.84 cfs. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

The rights listed below are limited to a total combined diversion rate of 2.36 cfs for irrigation. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

PRIORITY DATE: 08/09/1981

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION: T05N R45E S06 NESESW Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.15 CFS 41.30 AFY
	Fire Protection Storage	01-01 TO 12-31	5.00 AFY
	Aesthetic Storage	01-01 TO 12-31	5.00 AFY
	Diversion to Storage	01-01 TO 12-31	0.03 CFS

Water shall not be diverted from fire protection storage except to fight or repel an existing fire.

PLACE OF USE:	Irrigation			Within Teton County
	T05N R45E S06	NESW 32.0	LOT 6	(NWSW) 17.7
		(SWSW) 32.0		SESW 28.6
	LOT 7			
	110.3 Acres Total			
	Fire Protection Storage			Within Teton County
	T05N R45E S06	NESW	LOT 6	(NWSW)
		(SWSW)		SESW
	LOT 7			
	Aesthetic Storage			Within Teton County
	T05N R45E S06	NESW	LOT 6	(NWSW)
		(SWSW)		SESW
	LOT 7			

The rights listed below are limited to the irrigation of a combined total of 110.6 acres in a single irrigation season. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

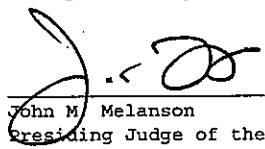
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is based upon an enlargement of Right No. 22-13729 pursuant to Section 42-1426, Idaho Code.

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 March 06, 2009, with sufficient first-class postage to the following:

PACKSADDLE PROPERTIES LLC
PO BOX 631
DRIGGS, ID 83221

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


Deputy Clerk