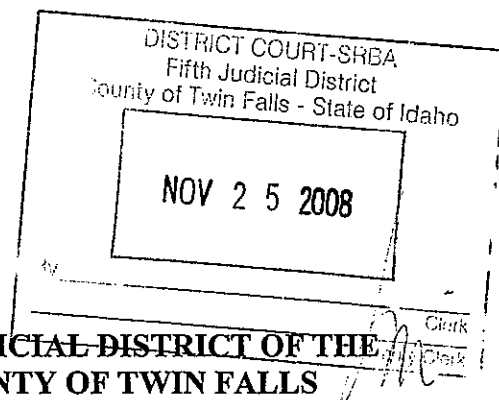


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NOV 26 2008
DEPARTMENT OF
WATER RESOURCES



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: 63-03362

A *Partial Decree* was issued for the above-captioned water right on February 16, 2007. On May 27, 2008, the Court received correspondence from the Idaho Department of Water Resources describing errors in the *Partial Decree*, and this error originated in the *Amended Director's Report* issued for this water right on May 14, 2008. The *Partial Decree* contains incorrect Purpose of Use and Place of Use description. The Place of Use description should read T01N R02E S18 SESW. In addition the *Partial Decree* contains a combined use remark under Quantity that should be deleted. The Court finds this to be the result of clerical error. A hearing was held on this matter on November 18, 2008 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 November 25, 2008


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 63-03362

NAME AND ADDRESS: TYSON FRESH MEATS, INC
ATTN: JOHN MEYER
800 STEVENS PORT DR, STE 709
DAKOTA DUNES, SD 57049

SOURCE: GROUND WATER

QUANTITY: 2.67 CFS
837.00 AFY

PRIORITY DATE: 07/11/1963

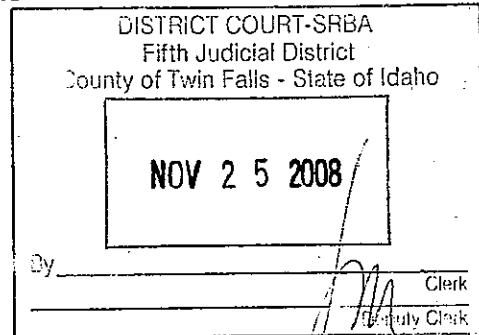
POINT OF DIVERSION: T01N R02E S06 LOT 2 (NWNE) Within Ada County
LOT 3 (NENW)
S07 LOT 3 (NWSW)
SWSE
S18 LOT 2 (SNNW)
T02N R02E S31 SWSE

Three (3) points of diversion are located within Lot 3 (NWSW),
S07, T01N, R02E.
A single new point of diversion is authorized in either the SWSE,
S07 or Lot 2 (SNNW), S18, T01N, R02E to provide water that shall
not exceed a temperature greater than 85 degrees Fahrenheit.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 10-31	2.67 CFS 837.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Ada County
	T01N R02E S06 LOT 1 (NENE) 35.0	LOT 2 (NWNE) 40.0
	SWNE 40.0	SENE 40.0
	LOT 3 (NENW) 40.0	SENE 40.0
	NESW 40.0	SESW 40.0
	NWSE 40.0	SWSE 39.0
	S07 NENW 40.0	LOT 1 (NWNW) 40.0
	LOT 2 (SNNW) 40.0	NESW 40.0
	LOT 4 (SWSW) 36.0	SESW 32.0
	SWSE 32.0	
	S18 NENE 32.0	NWNE 40.0
	SENE 40.0	NENW 40.0
	LOT 1 (NWNW) 40.0	LOT 2 (SNNW) 40.0
	SENE 40.0	NESW 40.0
	LOT 3 (NWSW) 40.0	LOT 4 (SWSW) 40.0
	SESW 40.0	
	T02N R02E S31 NESW 40.0	LOT 3 (SWSW) 40.0
	LOT 4 (SWSW) 40.0	SESW 40.0
	SWSE 40.0	
	1286.0 Acres Total	



SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

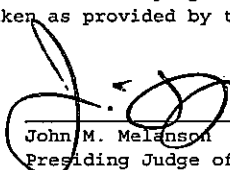
Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above in a single irrigation season.

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 November 25, 2008, with sufficient first-class postage to the following:

TYSON FRESH MEATS, INC
ATTN: JOHN MEYER
800 STEVENS PORT DR, STE 709
DAKOTA DUNES, SD 57049
Phone: 605-235-3865

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

ORDER

Page 1 11/25/08

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Deputy Clerk