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SEP 14 2000

2000 SEP 13 PM 2:13

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 AMENDING PARTIAL DECREE TO
) CORRECT CLERICAL ERROR --
) I.R.C.P. 60(a)

) For Water Right 75-10105

I.

CLERICAL ERROR

On October 27, 1999, this Court issued an *Order of Partial Decree*, together with a *Partial Decree* for water right 75-10105. The *Order* and *Partial Decree* were pursuant to the *Special Master's Report and Recommendation* issued on June 10, 1999. The *Special Master's Report and Recommendation* was issued pursuant to a *Standard Form 5 (SF-5)* signed by all parties to the subcase and concurred with by IDWR.

The SF-5 provided the following legal description with respect to the point of diversion element (emphasis added):

T19N R21E S14 *Lot 12* (SESWNE) Within Lemhi County

The *Special Master's Report and Recommendation*, and ultimately the *Partial Decree*, described the point of diversion element as follows:

T19N R21E S14 (SESWNE) Within Lemhi County

The reference to "Lot 12", which more particularly describes the point of diversion in the SF-5, was omitted from the *Special Master's Report and Recommendation* and the *Partial Decree*. Since the *Report and Recommendation* and the *Partial Decree* were ultimately based on the elements as contained in the SF-5, the Court finds that the omission resulted from a clerical

omission arising in the transposition of the point of diversion element from the SF-5 to the *Report and Recommendation*.

II.
ORDER

THEREFORE, based on the foregoing and pursuant to I.R.C.P. 60(a), IT IS ORDERED that the *Partial Decree* for water right 75-10105 entered October 22, 1999, is amended as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54 (b)*.

IT IS SO ORDERED

DATED 9-13-00.

A handwritten signature in black ink, appearing to read "B Wood", is written over a horizontal line.

BARRY WOOD
Administrative District Judge and
Presiding Judge of the
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

In Re SRBA)
Case No. 39576)
_____)

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-10105

200 SEP 13 PM 2:14

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: LINDA STRICKLAN
HC-61 BOX 27
SALMON, ID 83467

SOURCE: SPRING TRIBUTARY: SINK

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 08/31/1995

POINT OF DIVERSION: T19N R21E S14 LOT 12 (SESWNE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Stockwater	Within Lemhi County
	T19N R21E S14 LOT 05 (NWSE)	
	Domestic	Within Lemhi County
	T19N R21E S14 LOT 05 (NWSE)	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

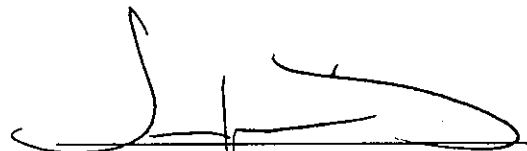
CERTIFICATE OF MAILING

I certify that true and correct copies of the **ORDER AMENDING PARTIAL DECREE TO CORRECT CLERICAL ERROR – I.R.C.P. 60(a)** were mailed on September 13, 2000, with sufficient first-class postage, to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

US Department of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Linda Stricklan
HC 61 Box 27
Salmon, ID 83467

A handwritten signature in black ink, appearing to read 'Jennifer Lewis', written over a horizontal line.

Jennifer Lewis
Deputy Clerk of the Court
Snake River Basin Adjudication

RECEIVED

OCT 28 1999

Department of Water Resources

1999 OCT 27 PM 1:33

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

**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 PARTIAL DECREE

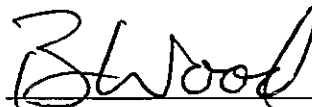
For Water Right 75-10105

On June 10, 1999, a *Special Master's Report and Recommendation* was filed for the above water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water rights 75-10105 are hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED October 27 1999.



BARRY WOOD

Administrative District Judge and
Presiding Judge of the
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

1999 OCT 27 PM 1:33

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-10105

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME AND ADDRESS: LINDA STRICKLAN
HC-61 BOX 27
SALMON, ID 83467

SOURCE: SPRING TRIBUTARY: SINK

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 08/31/1995

POINT OF DIVERSION: T19N R21E S14 SESWNE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Stockwater Within Lemhi County
T19N R21E S14 LOT 05 (NWSE)

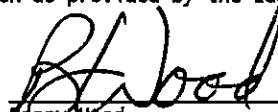
Domestic Within Lemhi County
T19N R21E S14 LOT 05 (NWSE)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

1999 OCT 27 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 75-10105

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 75-10105 was mailed
on October 27, 1999, with sufficient first-class postage prepaid
to the following:

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

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

LINDA STRICKLAN
HC-61 BOX 27
SALMON, ID 83467
Phone: 208-894-2480

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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10/27/99