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APR 23 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 21 2008	
By _____	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

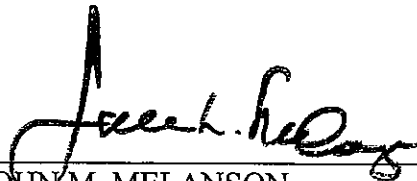
SUBCASES: 63-08627

On March 10, 2008, a *Partial Decree* was mistakenly issued for the above-captioned water right based on a *Special Master's Report and Recommendation* filed December 4, 2007. On February 7, 2008, an *Amended Special Master's Report and Recommendation* was filed correcting a clerical error in the remark for the Point of Diversion element for said right. No Challenges were filed to the *Amended 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 *Amended Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right is hereby decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decree* dated March 10, 2008, is replaced and superseded thereby.

DATED April 21, 2008.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

In Re SRBA)
)
Case No. 39576)
)

U.S. DISTRICT COURT - SDBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 21 2008

By _____ Clerk

QUANTITY: 1.42 CFS
690.10 AFY

POINT OF DIVERSION:	T03N R03E S20	NESW (Rediversion)	Within Ada County
		NESW (Injection)	
		NESW	
		SESW (Rediversion)	

PURPOSE AND
PERIOD OF USE:

PLACE OF USE:

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Feb-07-2008

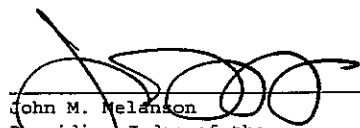
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

WHEN THE APPURTENANT SURFACE WATER RIGHTS ARE NOT AVAILABLE, THE PORTION OF THE PLACE OF USE LOCATED EAST OF THE REDIVERSION POINTS MAY BE IRRIGATED UNDER THIS RIGHT BY DIVERTING WATER FROM THE PENITENTIARY CANAL IN EXCHANGE FOR REPLENISHING THE PENITENTIARY CANAL WITH AN EQUAL AMOUNT OF WATER DIVERTED UNDER THIS RIGHT, SO LONG AS THE ARRANGEMENT IS ACCEPTABLE TO THE OWNERS/OPERATORS OF THE PENITENTIARY CANAL.

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 was mailed on April 21, 2008, with sufficient first-class postage to the following:

HARRIS FAMILY LTD PARTNERSHIP

Represented by:

ALBERT P BARKER

1010 W JEFFERSON, STE 102

PO BOX 2139

BOISE, ID 83701-2139

Phone: 208-336-0700

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

HARRIS FAMILY LTD PARTNERSHIP

4940 E MILL STATION RD

BOISE, ID 83716-0125

Phone: 208-344-2574

ORDER

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Deputy Clerk