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DEPARTMENT OF
WATER RESOURCES

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

JAN - 7 2008

By _____ Clerk
_____ Deputy 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 IN PERIOD OF USE
)
) For water right: 34-00965A
)
)
)

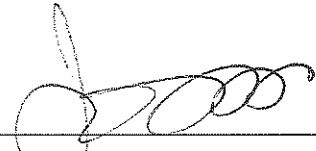
A *Partial Decree* was issued for the above-captioned water right claim on February 24, 1998. The period of use element was decreed as "irrigation season." On December 14, 2001, following remand in *A & B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of Use (For Irrigation Uses) and Conjunctive Management General Provisions* recommending an amended period of use element of 4-01 to 10-31. No objections were filed. An *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree an Express Statement Regarding General Provisions, Nunc Pro Tunc*, was issued December 14, 2001, erroneously decreeing the period of use as 05-01 to 10-15. The Court finds this to be the result of a data error resulting in a clerical error.

Therefore, IT IS ORDERED pursuant to I.R.C.P. 60(a), that the *Partial Decree* and subsequent *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree an Express Statement Regarding General Provisions, Nunc Pro Tunc*, previously issued for water right 34-00965A are hereby amended and decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

ORDER OF AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR IN PERIOD
OF USE

Counsel for the Claimant also provided the Court with the records from the administrative change in ownership proceedings reflecting the current ownership of the above-captioned water right. Accordingly, the *Amended Partial Decree Pursuant to I.R.C.P. 54(b)* acknowledges the current ownership.

Dated January 7, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 34-00965A

NAME AND ADDRESS: JOYCE B TIBBITTS
STEVEN W TIBBITTS
BOX 65A
MOORE, ID 83255

SOURCE: CHAMPAGNE CREEK TRIBUTARY: SINKS

QUANTITY: 4.68 CFS

PRIORITY DATE: 03/29/1885

POINT OF DIVERSION: T03N R24E S26 SENENW Within Butte County
SESESE

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN - 7 2008
By _____ Clerk Deputy Clerk

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.68 CFS

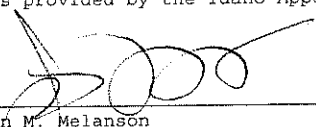
PLACE OF USE:	Irrigation	Within Butte County
T03N R24E S25	NESW 3.0	NWSW 12.0
	SWSW 37.0	SESW 39.0
	NESE 1.0	NWSE 2.0
	SWSE 40.0	SESE 25.0
S26	NESE 3.0	SESE 4.0
S36	NENE 20.0	NWNE 12.0
R25E S30 LOT 4	(SWSW) 11.0	
S31 LOT 1	(NWNW) 7.0	LOT 2 (SWSW) 1.0
217.0 Acres Total		

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 IN PERIOD OF USE was mailed on January 07, 2008, with sufficient first-class postage to the following:

JOYCE B TIBBITTS
STEVEN W & JOYCE B TIBBITTS
STEVEN W TIBBITTS
BOX 65A
MOORE, ID 83255
Phone: 208-527-3141

CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
PO BOX 44449
BOISE, ID 83711-4449

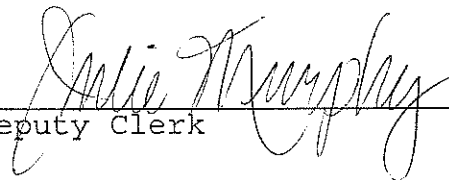
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

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Deputy Clerk

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