

DEPARTMENT OF
WATER RESOURCES

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

AUG 30 2007

By _____ Clerk
AL DISTRICT OF THE _____ Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Case No. 39576

**ORDER OF AMENDED PARTIAL DECREE
TO CORRECT CLERICAL ERROR; I.R.C.P
60(a)**

For Water Right: 63-03170

A ***Partial Decree*** was issued for the above-captioned water right on May 14, 2007. On July 2, 2007, the Court issued a *Notice of Court's Intent to Issue Amended Partial Decree and Notice of Hearing Thereon* to correct a clerical error. A hearing was held on the *Court's Notice of Intent* on August 23, 2007. The United States appeared through counsel and objected to the Court adding the description of T02N R01W S35 SWSW as a place of use for stockwater because the description was previously deleted pursuant to a *Standard Form 5*. The Court concurs with the United States.

Therefore, IT IS HEREBY ORDERED that pursuant to I.R.C.P. 60(a) the *Partial Decree* previously issued for water right **63-03170** is hereby **amended and decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED:

August 30, 2007


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ORDER OF AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR; I.R.C.P 60(a)

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 63-03170

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

AUG 30 2007

By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA, ID 83634

SOURCE: GROUND WATER

QUANTITY: 4.06 CFS
1605.20 AFY

The total instantaneous diversion of water from all points of
diversion under water right nos. 63-3093, 63-3170, 63-8087,
63-18592 and 63-18594 shall not exceed 9.25 cfs, nor a total
combined annual volume of 3620.6 af for irrigation of 382.0
total acres.

PRIORITY DATE: 09/17/1959

POINT OF DIVERSION: T02N R01W S35 NESE Within Ada County
SENW
NESW
NWSW
SWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	3.57 CFS 1503.00 AFY
	Stockwater	01-01 TO 12-31	0.49 CFS 51.60 AFY
	Commercial	01-01 TO 12-31	0.49 CFS 50.60 AFY

PLACE OF USE:	Irrigation	Within Ada County
T02N R01W S26	SWSW 4.0	
S35	NENE 19.0	NWNE 26.0
	SWNE 40.0	SENE 40.0
	NENW 30.0	NWNW 39.0
	SWNW 40.0	SENW 40.0
	NESW 13.0	NWSW 30.0
	NESE 38.0	NWSE 12.0
	SESE 11.0	
	382.0 Acres Total	

Stockwater	Within Ada County
T02N R01W S26	
S35	NWNE
	SENE
	NWNW
	SENW
	NWSW
	NESE
	SWSE

Commercial	Within Ada County
T02N R01W S35	NWSW

PLACE OF USE (continued)

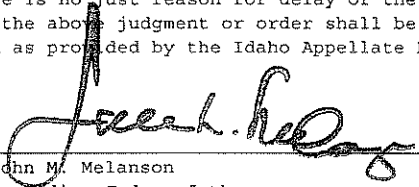
This right is limited to the irrigation of 334 acres within the place of use described above in a single irrigation season.

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; I.R.C.P. 60(A) was mailed on August 30, 2007, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA, ID 83634
Phone: 208-922-1179

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".