

RECEIVED

SEP 22 2006

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 21 2006	
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; I.R.C.P
60(a)

For Water Right: 72-07184

A *Partial Decree* was issued for the above-captioned water right on March 31, 1998. On March 23, 2006, claimant Michael McGowan filed a *Motion to Set Aside Partial Decree* to correct an error in the legal description for the place of use element. Based on the *Motion* the Court issued a *Notice of Court's Intent to Amend Partial Decree to Correct Clerical Error; I.R.C.P. 60(a)* together with a notice of hearing. Notice complied with SRBA docket sheet procedure. A hearing was held on the Court's *Notice of Intent* on September 20, 2006. No objections were filed and no party appeared in opposition to the Court's proposed action. At the hearing it was brought to the attention of the Court that a clerical error also existed in the quantity listed for the period and purpose of use element. It was also noted that because of a pending administrative change of ownership proceeding the *Amended Partial Decree* should be issued consistent with the original partial decree. Because the rate of diversion was correctly stated in the quantity element the Court finds no issue regarding notice to other parties. Although the Court's notice of intent incorrectly listed a subsequent owner in the chain-of-title for the water right, because the *Amended Partial Decree* will be issued in the name of the original owner/claimant the Court finds no issue regarding notice to other parties. Any issues pertaining to changes of ownership can be addressed administratively in conjunction with the pending change of ownership proceedings.

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

For Water Right: 72-07184

G:\Standard Order Forms\Amended Partial Decree Order on Notice of Intent.doc

Therefore, IT IS ORDERED that pursuant to I.R.C.P. 60(a) the *Partial Decree* previously issued for water right **72-07184** is hereby **amended and decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: September 21, 2006.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

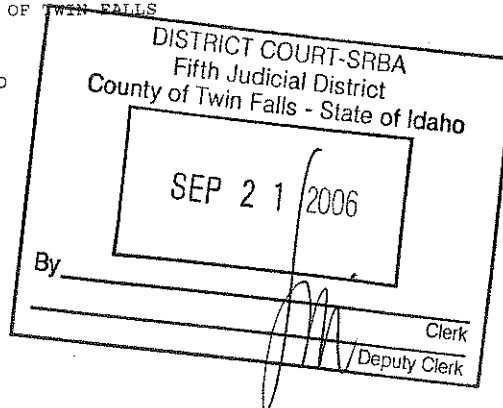
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 72-07184



NAME AND ADDRESS: JAMES F SEARLES
PATRICIA SEARLES
4508 SAN MIGUEL AVE
NORTH LAS VEGAS, NV 89030

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 06/07/1982

POINT OF DIVERSION: T13N R19E S08 SENE Within Custer County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Stockwater Within Custer County
T13N R19E S09 NESE

Domestic Within Custer County
T13N R19E S09 NESE

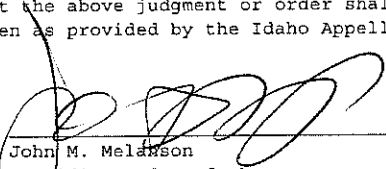
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.


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 September 21, 2006, with sufficient first-class postage to the following:

USA FOR BLM

Represented by:
LEE LEININGER
US DEPARTMENT OF JUSTICE
ENVIRO & NATRUAL RESOURCES DIV
550 W FORT STREET, MSC 033
BOISE, ID 83724
Phone: 202-305-0242

MICHAEL E MC GOWAN
HC 67 BOX 2006
CHALLIS, ID 83226
Phone: 208-879-2006

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

JAMES F SEARLES
PATRICIA SEARLES
4508 SAN MIGUEL AVE
NORTH LAS VEGAS, NV 89030
Phone: 208-879-2469

A handwritten signature in cursive script, appearing to read "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".